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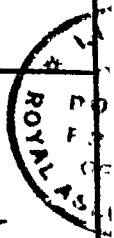

VOLUME 7

LORD SELKIRK'S WORK IN CANADA

By *CHESTER MARTIN*

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PREFACE

MANY men of genius less than first-rate have survived only in a 'corner of history'. When the attempt is made to draw them from respectable obscurity, it is not infrequently found that investigation leaves them still undistinguished among those who have been accorded the highest places in the history of their age. Biography tends to become either an apology or a dull inquisition into facts that seldom abound in vital interest. Under such circumstances the tendency to magnify events and to make up the measure of heroic stature by unwarranted panegyric is only less than the temptation to give oneself resignedly to the faithful but depressing pursuit of commonplaces.

The life of the fifth Earl of Selkirk, however, should be redeemed from unattractiveness, even though none would claim for him a place among the first men of his age. Panegyric is impossible, because his gravest mistakes were palpable and self-confessed; while lack of vital interest in the early years of his life may be said to be counterbalanced by a certain dramatic intensity at its close. In a very real sense, moreover, the obscurity to which Selkirk's name has been consigned was unnatural and unjust. His life came to an end in the midst of a bitter conflict. His vindication was not attempted for more than half a century, not because it was uncalled for or impossible, but because it was inexpedient in the light of an enforced compromise at Selkirk's death. The discreet silence after 1821 is the less excusable because it is borne in upon one that a generous mind had been treated with less than justice by those to whom he had a right to look for redress. Another attempt to estimate Selkirk's work anew

may come as a measure of tardy appreciation, even though it may not restore his name to the place which one may hope it would have occupied had his work and life not been cut short by a violent and not very scrupulous opposition.

Even at its full value, moreover, Selkirk's work scarcely lends itself to adequate appreciation. Colonization, however useful and far-reaching in results, can scarcely fail to prove prosaic and uninspiring in the details of its development. Little of the true story of British colonization in the nineteenth century can be considered to make pleasant reading. Success is usually achieved in obscurity and silence, while failure seldom passes without angry comment. The leaders of colonizing movements, as a rule, received much reproach from the thriftless, and no praise from the prosperous settler. The choice of followers in such enterprises was naturally limited. Selkirk in particular found it necessary to work with—and also to contend against—men who fell far below his own level. Wilberforce, who 'never . . . had any misgivings' with regard to the generosity and integrity of Selkirk's original aims, deplored such conflict as that with the North-West Company, where, 'from the nature of the case, we are obliged to avail ourselves of the services of men whose characters we cannot scrutinize very nicely'.[1] It thus becomes necessary to pick one's way through details which are often sordid and ignoble, seldom inspiring, and never far removed, on one side or the other, from sharp practice. It is no small tribute to the integrity of Selkirk's ideas upon colonization that though not undefiled for a time by the ignoble quarrel between two fur-trading companies, they reappear untarnished and with added lustre, in almost the last letter he ever wrote.

[1] Wilberforce to Selkirk, *Selkirk Papers*, 6363.

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[2] No attempt is made to carry this list beyond contemporary sources.

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CHAPTER I

INTRODUCTION

THE seat of the Douglas family, with which had been united the lines of Angus and of Marr, was at St. Mary's Isle, Kirkcudbrightshire. Here Thomas Douglas, seventh son of the fourth Earl of Selkirk, was born in 1771, two years after Napoleon and Wellington, twelve years after William Pitt the younger, and seven years before the death of Chatham. Early boyhood synchronized with the volunteer movement and the struggle for Grattan's Parliament in Ireland, and with the War of Independence in America; early manhood, with the most brilliant promise of the French Revolution. Douglas attained his majority in the first year of the Republic, and succeeded to the earldom in the year which saw Napoleon's return from Egypt and the *coup d'état* of the 18th Brumaire. He felt the influence which flowed from the conjunction of youth and the momentous forces of that revolutionary period. Even Douglas's father, the fourth Earl of Selkirk, seems to have viewed the early French Revolution with much sympathy and hope; though with characteristic caution he sacrificed something of his liberal principles to the privileges of his station, and awaited the outcome with a degree of prudent circumspection. Thomas Douglas, the youngest of seven sons of the family, was constrained as yet by no personal considerations of rank. He threw himself into the liberal movement in Edinburgh headed by the most promising young blood of the University.

Douglas went to Edinburgh at fifteen years of age. His name appears in the membership of 'The Club', which like 'The Apostles' of a later date at Cambridge, and many another University society of posthumous fame, was found to comprise many of the most brilliant young Scottish University men of that generation. Among Douglas's associates were

Jeffrey and Clark, Ferguson, Walter Scott and Dugald Stewart. The subsequent loyalty of these early friends bears positive testimony to mutual faith and esteem. Adversaries of a later date could refer to the 'literary judges' of the Edinburgh reviews as Selkirk's staunchest allies.[1] There is little contemporary evidence, however, that Thomas Douglas exercised a commanding influence over 'The Club'. His aim at this time was the law;[2] and though he seems to have entered with enthusiasm into the literary and humanitarian spirit of 'The Club', he was by no means carried away by the deluge of revolutionary thought. Much, though by no means all, of this reserve may be attributed to extreme youth and lack of prospective influence; much was undoubtedly due to a certain shyness, an excessive modesty, which can be traced in many curious ways even down to the period of Selkirk's greatest activity.

At the close of his University terms in 1792 he made the grand tour in due form, and wrote with some penetration of Paris under the Convention. In Italy he spent nearly a year and a half under the tutelage of Sir William Hamilton. His sympathy, meanwhile, for the cause of reform in Scotland led him, like Castlereagh in Ireland, even to espouse the project of enlisting Scottish volunteers.[3] His observations upon the French Revolution, however, are expressed with remarkable dispassion. In 1792 even Castlereagh was a Whig. One is struck in Selkirk with the sustained evenness of his political opinions. He never forsook his pronounced Whig principles, he never discarded even under the spell of the French Revolution a certain critical reserve. There are therefore no violent changes of view to be explained. He was perhaps more truly

[1] *Narrative of Occurrences in the Indian Countries of North America.* London, 1817, Preface, v.

[2] Cf. Sir J. Hall to Selkirk, May 3, 1817: 'I gave him a piece of information which came upon him like a flash and at once cleared up many Points in your history which he had been at a loss to comprehend. I mean the circumstance of your having been bred a lawyer.' *Selkirk Papers*, 6156.

[3] 'I believe if the reformers could bring about anything like the Irish volunteers everything they ask would be granted at once.' Thomas Douglas to his father, Nov. 16, 1792: *Correspondence of Dunbar, Earl of Selkirk and his Sons* (St. Mary's Isle), p. 8.

liberal in 1802 than he was in 1792. He was scarcely less conservative in 1792 than he was in 1812. Much of this circumspection, as Douglas approached his majority, was due, one might infer, to his intimate relationship with his father. The letters from the fourth Earl of Selkirk to his son are charged with Scottish shrewdness and with a deepening devotion. The death of son after son of the family added to the intimacy between the youngest and an indulgent father. When the sixth son died suddenly in 1797, Thomas Douglas succeeded to the name of Daer, and embodied for his father and sisters the last hope of the family. Equanimity and prudence could scarcely fail to result from this mutual deference.

Early indications of promise may be the more easily discovered 'after the fact'. The early correspondence of Thomas Douglas may be laid under tribute for suggestions of some of his characteristics as fifth Earl of Selkirk. His shyness was excessive. Sir William Hamilton did not like him the worse 'for being a little reserved';[1] but young Douglas himself wrote despairingly of his embarrassment in the social life of Naples. 'I am in company without making one of the company. . . . Can I hope that time will at last cure me of this ridiculous timidity?'[2] In Switzerland he deplored his 'natural shyness and cold temper'.[3] His father wrote approvingly of his knowledge of books, and reprovingly of his 'want of knowledge of mankind'. 'I have known many lads of sixteen, who, as the vulgar saying is, could have bought and sold you in a market.'[4]

It was in Switzerland in 1794 that acquaintance began with Count Andreani, the traveller, who was probably the first to direct Douglas's attention to the promise of the New World.[5] There were suggestions of military service in the cause of Poland, and three years later of an active part in raising volunteers in Scotland 'to engage themselves to assist the Lieutenancy in case of invasion'. It was only the 'distress of

[1] *Correspondence of Dunbar, Earl of Selkirk and his Sons*, p. 25.
[2] *Correspondence*, p. 71.
[3] *Correspondence*, p. 46.
[4] *Correspondence*, p. 37.
[5] *Correspondence*, p. 85.

mind' of his father, in fact, that deterred him from plunging with enthusiasm into the volunteer movement. His last remaining brother, however, had died in July of 1797. His father's death two years later left him at once master of the Selkirk estates and free to indulge a well-balanced interest in projects for defence, emigration, and social reform.

It was with emigration that Selkirk's energies were chiefly engrossed. Less sustained, but no less public-spirited, interest in other directions, is to be traced in a strange variety of activities. He wrote *On the State of the Highlands of Scotland, with a View of the Causes and Probable Consequences of Emigration.*[1] In the House of Lords he proposed a form of compulsory military service; he wrote *On the Necessity of a more Effective System of National Defence.* He deliberated with Wilberforce upon measures for the improvement of the North American Indians. He confessed to his 'grief and mortification' that his early views on Parliamentary Reform were not borne out by actual observation of the state of public life in France and America. There is little, perhaps, with regard to British political problems, to differentiate Selkirk's life from that of any other young Scottish peer who married happily, managed his estates thriftily, and drifted now and again into the circle of the London season. His pamphlet on *National Defence* was found worth republishing as late as the 'sixties'; his suggested plan for Indian 'reserves' has since become a commonplace. In lieu of much direct influence in producing results, academic foresight must at least be taken for what it is worth. Throughout the decade from 1801, moreover, there is at once a narrowing of horizon and a corresponding clearness of vision. Selkirk passed from indiscriminate benevolence to the absorbing pursuit of colonization. Upon the results and the ultimate significance of Selkirk's work in Canada may be said to rest whatever claim he has to be distinguished from the innumerable and shadowy figures that haunt the by-ways of British and colonial history.

It must be admitted that Selkirk's friends at Downing Street were not of the circle that was grouped most intimately about

[1] London, 1805.

the personality of the younger Pitt. To Pelham and Castlereagh and Bathurst the coming generation came to look for impeccable routine and elaborate commonplace. There was little promise of encouragement for any project which had not its warrant in musty files of state papers. Lord Sidmouth, who alone, as Lady Selkirk afterwards wrote, 'had romance enough to believe that a man *may* have other than selfish motives',[1] was the 'Doctor' about whom Canning had written,

Pitt is to Addington
As London is to Paddington.

'These are selfish times indeed,' observed Selkirk's brother-in-law, in 1816, 'if no man can be admitted to be rational whose actions are not guided by a calculation of pounds, shillings and pence.'[2] Common views on Roman Catholic emancipation in Ireland and other liberal movements had drawn Selkirk for a time into this prosaic official circle. It was the vexed question of the Irish settlement after the Union that was responsible for the first of Selkirk's suggestions bearing upon the subject of emigration.

The Irish Rebellion of 1798 had been put down, and the Union with Great Britain had followed in 1800 as an inevitable corollary. Four-fifths of the inhabitants of the island were Roman Catholic. Prospects of emancipation and tithe-reform had formed part of the bribe with which the independent parliament of Ireland had been 'bought and bullied out of existence'. Promises of the British ministry, however, were rendered nugatory by the religious scruples of an obstinate king. Pitt himself was forced into retirement, and subsequently returned to office only by sacrificing the principles upon which the Union had been carried. The cause of Irish reform as a government measure sank into desuetude for more than a generation. Government, meanwhile, professed all sympathy, but alleged utter powerlessness to effect a settlement. It was at this stage, a few weeks after the Peace of Amiens had

[1] *Letters from Jean, Countess of Selkirk, to Lady Katherine Halkett*, 1808–20, p. 88.
[2] Halkett to Sidmouth, Oct. 11, 1816, *Selkirk Papers*, 6516.

been signed with Napoleon, that Selkirk proposed emigration as 'a radical cure such as Military coercion cannot effect' for the constant harassing cares of Irish disorder. Settlement in America, full toleration in religion, and ample grants of land are now commonplaces as measures for the relief of social and economic pressure in Great Britain. In 1802, however, Pelham was sceptical, and Hobart, who was in a position to know the temper of the Irish, was scarcely more sympathetic. Selkirk addressed a memorial formally to the Secretary of State, and with genuine enthusiasm offered to undertake the responsibility for the enterprise.[1] 'Deeply impressed with the importance of these views, the memorialist would not hesitate to devote his personal exertions and the best years of his life to the Service of his Country in carrying them into execution.'[2] On April 3, 1802, Selkirk first mentioned the significant name of Lake Winnipeg, and suggested the momentous possibility that a 'concurrence of circumstances should lead to the acquisition of territory on the Upper Mississippi.'[3] The peace with Napoleon, however, was little more than a breathing space. The permanent Secretary was opposed to 'colonizing at all *en masse*'.[4] The Hudson's Bay trade was to be left in '*Salutary neglect*, which in such cases beats all the care in the world'. Hobart in particular suggested that in any case 'the Settlement should be begun with people more tractable than the Irish'.[5] 'I entirely acquiesce', wrote Selkirk, 'in the wisdom of your Lordship's suggestion.'[6] Settlers were to be Scottish, the district for settlement, Canada. As early as 1802, therefore, these two ideas are to be found almost in the form in which they dominated the rest of Selkirk's life. The period from 1802 to 1811 was filled with preliminary experiments in deflecting the current of Scottish emigration from the Carolinas to Eastern Canada. The next decade was devoted to the colonization of a region, the strategic importance of which for the British possessions in North America was scarcely grasped for half a century.

[1] Colonial Dispatches, Canadian Archives, Q. 293, p. 169.
[2] Ibid., p. 176. [3] Ibid., p. 179.
[4] Ibid., p. 167. [5] Ibid., p. 219. [6] Ibid., p. 221.

CHAPTER II

EXPERIMENTS

THE case for emigration, which was not intended to apply indiscriminately to stable and normally prosperous countries, applied with peculiar force to the Scottish highlands. Sheep-farming was displacing agriculture; migration was a necessity; the highland clansman was not fitted for the industrial life of the lowlands or of England; emigration to the United States was already a prevailing tendency; the encouragement of emigration to British colonies might involve a greater direct loss to Great Britain; but a policy of neglect led to a complete loss to the Empire of the thriftiest and most enterprising crofters in the Scottish highlands. 'There are individuals, perhaps,' wrote Selkirk in the *Causes and Probable Consequences of Emigration*, 'who may think it better that a hundred persons should emigrate to the United States than that a hundred and one should go to our own colonies.' The most hostile critic,[1] however, recognized the 'enthusiasm', the 'indisputable truth upon which his great and leading doctrines are founded', the 'deep conviction which the author has of the justice of the views he has formed', the 'laborious and unwearied exertion', the novelty of a project actuated apparently by 'patriotism and disinterested benevolence'. On the testimony of Selkirk's opponents, the first of his enterprises towards British colonization in the New World was generally received with 'marked approbation'.

In 1803, eight hundred settlers from Argyle, Ross-shire, Inverness, and the Isle of Skye were taken to Prince Edward Island in the Gulf of St. Lawrence. 'I had undertaken', wrote Selkirk, 'to settle these lands with emigrants whose views were directed towards the United States.' Selkirk's account

[1] *Remarks on the Earl of Selkirk's Observations on the Present State of the Highlands of Scotland with a View of the Causes and Probable Consequences of Emigration.* Edinburgh, 1806.

of the expedition, which was perhaps the most immediately successful of all his enterprises, is marked by the deliberate repression of unwarranted optimism. Opponents who would have yielded but reluctant homage to enthusiasm, admitted 'a kind of fascination' in the obtrusive candour with which are traced the innumerable difficulties of primitive settlement—'the boundless forests', the overwhelming sense of distance, 'the savage solitude.' 'It is rare that any one does not at some time in the course of the first two or three years, feel disheartened and repent of his conduct.' There is a wise insistence upon the useful and the commonplace. The labour of clearing the land, of planting the seed in new soil, of reaping under new climatic conditions, of building without artificers, filled the 'long and critical period of dependence on extraneous and precarious supplies'. 'I will not assert', Selkirk concluded, 'that the people I took there have totally escaped all difficulties and discouragement; but the arrangements for their accommodation have had so much success, that few perhaps in their situation have suffered less or have seen their difficulties so soon at an end.'

Three ships reached Prince Edward Island on August 7, 9, and 27, 1803. The district chosen for colonization was the eastern peninsula of the island, originally occupied by the scattered, but by this time deserted, French settlements of the old Île St. Jean. Selkirk himself arrived late in the evening, to find the settlers in their highland dress, grouped about camp-fires that lit up the forest for half a mile along the shore. The subdivision of the land, the building of villages, the preparations for the winter, were completed with some emulation and not without disagreement. By spring, the soil was prepared for the seed. Selkirk left the island in September. At his return in the autumn of 1804, he found the settlers gathering their first harvest with the 'prospect of abundance'. The description closes with confidence and modesty. 'To their industrious dispositions and persevering energy, the highest praise is justly due. Without these, indeed, every other advantage would have been of no avail; for if the arrangements that have been detailed have any merit, it may all be

comprised in this,—that by their means . . . the industry of the individual settlers was allowed full scope to exert itself. Their future condition must entirely depend on the perseverance with which their first exertions are followed up.'[1]

Months of travel in the United States and Canada during the years 1803 and 1804, cannot be passed over without remarking the effect upon Selkirk's interest in emigration and reform. A view of American politics at close quarters at the beginning of the nineteenth century was not calculated to impress the traveller with the blessings of democracy. Selkirk's observations are important here, not because they show what American democracy was, but because they show what Selkirk was not. From 'the political application of those principles from which we expected consequences so beneficial', he confessed, 'no such advantages had resulted as formerly I had been led to anticipate.' The success of Scottish settlement in South Carolina, in Massachusetts, and in New York, however, confirmed a conviction that the loss of allegiance to Great Britain could be remedied only by a frank recognition of the facts, and by the patient policy of directing to British colonies a movement which was in itself inevitable. It was during this generation that United Empire Loyalists were laying, in privation and hardship, the foundations of the Province of Upper Canada. The loyalist tradition was making itself felt in the political life of the British provinces. Selkirk returned to Canada with the hope of securing co-operation in a national enterprise. The deflection of British emigration from the United States was a natural corollary to Canadian colonization from Scotland.

The settlement at Baldoon, it would seem, was intended to accomplish in one respect what Prince Edward Island was designed to effect in the other. Instructions from Hobart to Lieutenant-Governor Hunter of Upper Canada, had directed the 'Grant of Twelve Hundred Acres in favour of Lord Selkirk in any township not already appropriated',[2] with an

[1] *Observations on the Present State of the Highlands of Scotland, with a View of the Causes and Probable Consequences of Emigration*, p. 207.

[2] Land E, Upper Canada, Nov. 29, 1803, p. 321. Hobart's dispatch is dated Feb. 28. Canadian Archives.

additional grant of 200 acres 'for each family he may induce to settle there'. Selkirk's first choice of territory was made with more of good strategy than of sound caution. As early as August, 1802, he had sent an agent to the Sault Ste. Marie, the dividing point between Superior, the largest of the Great Lakes, and the inland navigation of Michigan, Huron, and Erie.[1] The ultimate choice was scarcely less important strategically; though even in Baldoon, Selkirk seems to have been misled by the magnificent but deceptive distances of the New World. Baldoon was situated in the townships of Dover and Chatham, in the western peninsula of Upper Canada, between Lake Huron and Lake Erie. The land was well wooded and well watered. Roads were cut to neighbouring townships; Selkirk, indeed, volunteered to construct a highway through Upper Canada from York to Amherstburg at an expense of £40,000, and to accept compensation in Upper Canadian land grants. Settlement, however, proved unremunerative; the close 'Family Compact' was cautious and unsympathetic. Less than a score of families seem to have established themselves in the Dover township[2] under the supervision of Alexander McDonell, a highlander from Glengarry. There was an attempt to make it 'an exclusive National Settlement for people speaking the Gaelic Language'; but it is evident that the 'infant Settlement of Baldoon' was established under 'discouraging circumstances'.[3] Selkirk's agent suggested that without assistance and co-operation 'His lordship must relinquish the undertaking'. Baldoon struggled on till it was plundered by the Americans in the war of 1812; though in the absence of its founder, it scarcely passed beyond the stage of a straggling pioneer village. It was one of the first of those costly experiments in isolated colonization by private enterprise during the early nineteenth century that were begun in too credulous an optimism and were strangled because the seed fell among thorns by the wayside.

[1] Selkirk to Hon. R. Hamilton, Glasgow, Aug. 18, 1802, Secretary's Letter Book, U.C. p. 345. Canadian Archives.

[2] Land G, Upper Canada, from Feb. 28, 1806, to Mar. 29, 1808, p. 66, Canadian Archives.

[3] Land G, Upper Canada, p. 8, Canadian Archives.

At Montreal the possibilities of the West were again suggested by the social prominence of the fur-trading 'nabobs' of the North-West Company. Sir Alexander Mackenzie's *Voyages* had appeared in 1801, and had probably been responsible for the 'Observations' to Pelham in April, 1802.[1] It may appear significant that Montreal in 1804 was in the throes of rivalry between the old North-West Company and the XY Company of which Sir Alexander himself was the predominant partner. The 'North-westers' were particularly lavish in their hospitality. The old *Beaver Club* was the social head-quarters of the opulent partners of the company. Elaborate ceremonial perpetuated the mystery and adventure of a trade which penetrated, by river, lake, and portage, 3,000 miles into the interior of the continent. Pemmican[2] and beaver for the banquets of the *Beaver Club* were brought by canoe by the trading brigades of Athabasca. The 'nabobs', each of whom had passed an apprenticeship of danger and hardship in the North-West fur trade, exacted here the unstinted homage of their subordinates. The good-fellowship of the *Beaver Club* reflected the *esprit de corps* that pervaded the whole Company. At official functions, songs of the *voyageur* were sung, and episodes of the interior passed into tradition. The iron rule of the partners was concealed beneath unrestrained festivity. It is mentioned as an encouragement to the traders of the winter-posts in their obscure struggle for promotion, that the be-medalled *bourgeois* were accustomed once a year at these elaborate functions to honour the memory of their youth in the *pays en haut* by ranging themselves in canoe-order upon the carpet for the rites of the *grand voyage*.

Selkirk was received by the *Beaver Club* with 'the abundant hospitality for which they were distinguished'. This may be the place to anticipate a charge that was made no less than thirteen years after Selkirk's return to England, when his hosts of 1804 had become the opponents of the most serious

[1] Colonial Office Records, Q. 293, p. 178. Canadian Archives.

[2] Dried buffalo meat, pounded and mixed with various other ingredients, and packed in bags of skins which were then filled with boiling fat. The bag of pemmican usually weighed about 90 lbs.

undertaking of his life. 'His enquiries', reads the North-West *Narrative*[1] of 1817, 'were readily answered by these gentlemen, who withheld no information which could gratify the liberal and useful researches of a noble traveller. They remarked at the time, that these enquiries were more extended than usual.' The charge of a suddenly awakened 'self-interest', and of abuse of hospitality by a 'commercial rival' in order to 'effect the ruin of their establishment', is elaborated with such ingenuity that even Masson[2] accepts the tradition and even Dr. Bryce[3] is apologetic. It has been noticed that Selkirk had written to Pelham as early as 1802 of the district about Lake Winnipeg: 'enquiries . . . more extended than usual' were not unnatural in 1804. The following five years, moreover, were devoted to social problems in Great Britain and to colonization in Upper Canada and Prince Edward Island. It was only after Selkirk's marriage into an influential Hudson's Bay family that he seems to have turned his attention again to settlement in the West at a time when the Hudson's Bay Company, the rivals of the North-westers of the *Beaver Club*, afforded the only avenue through which Assiniboia could be secured for purposes of colonization. The account of 1817, it appears, was partly compiled by Ellice, who was not in Montreal at the time, who became, indeed, one of Sir Alexander Mackenzie's colleagues in the X Y Company, the Canadian rivals of the North-westers, and who was endeavouring during the very period that Selkirk spent in Montreal, to buy the Hudson's Bay Company in order to effect the overthrow of the North-West Company.[4] Before the Select Committee of 1857, Ellice referred to 'that libel upon the Hudson's Bay Company', and suggested that 'parties who are engaged in a violent contest . . . write a great many things which it would be very difficult to reduce to proof'.[5]

[1] *A Narrative of Occurrences in the Indian Countries of North America since the connection of the Right Honourable the Earl of Selkirk with the Hudson's Bay Company.* London, 1817, p. 2.
[2] *Les Bourgeois de la Compagnie du Nord-Ouest*, Quebec, 1889.
[3] *Makers of Canada Series*, vol. viii, p. 140.
[4] *Correspondence at St. Mary's Isle*, vol. i, note; *Report from Select Committee*, 1857, pp. 344 and 346.
[5] Ibid., p. 346.

The four years that followed Selkirk's return to Great Britain contain little of vital importance beyond an increasing interest in emigration and a restless interest in social reform. The publication of the *Observations on the Present State of the Highlands of Scotland, with a View of the Causes and Probable Consequences of Emigration* strikes the key-note of this period of experiment; and there can be little doubt that 1807 marks the point at which the idea of colonizing the West begins to predominate. His marriage in that year to Miss Jean Wedderburn-Colvile was a purely personal event which assumed in time a much wider significance. The position of the Colviles in the Hudson's Bay Company was only less important than the capable and tactful co-operation of Lady Selkirk herself. The poise and sound practical instincts of her family played a part second only to Selkirk's own influence in the affairs of the Red River Settlement.

The Hudson's Bay Company in the course of nearly a century and a half of 'Salutary neglect' by the Government and of cautious conservatism on the part of the directorate, had passed through many vicissitudes. The territorial rights of the Company granted in the original Charter of 1670, were successively impugned by the French, made one of the causes of war by William III, upheld by the Peace of Utrecht, and recognized directly or indirectly by Act of Parliament during every reign but three from Charles II to Edward VII.[1] There was scarcely a privilege, however, conferred by the Charter, that had escaped general condemnation or at least hostile criticism. Claims of trade monopoly had been assailed by London merchants as early as 1697,[2] and were systematically disregarded by Canadian traders. Rights of jurisdiction had never been formally exercised. An Act, indeed, had been passed in the reign of George III under which quarrels that arose in the Indian Territories between rival Canadian companies were to be brought for trial to Lower Canada.[3] Several

[1] See *The Red River Settlement, its Rise, Progress, and Present State*, Alexander Ross, London, 1856, p. 7.

[2] *Hudson's Bay Company's Petitions to His Majesty*, 1687–1778, Canadian Archives, M. 718.

[3] The Hudson's Bay Company was never consulted with regard to this Act

expeditions of discovery by Hudson's Bay officials had evinced a tardy sense of the Company's obligations; but no permanent settlement had been established, and even the fur trade had been prosecuted with incompetency and scanty success. So long as the Indians hunted during the winter and brought their furs five hundred miles by canoe to Hudson Bay during the summer, there was little incentive to push inland, to establish winter trading-posts, or to take more than a casual interest in the enormous territory specified by the Charter. 'Till the year 1782,' wrote Sir Alexander Mackenzie, 'the people of Athabasca sent or carried their furs regularly to Fort Churchill, Hudson's Bay.'[1] Traders were content with a life of placid indolence. Even the Directors took their moderate dividends with similar equanimity.

If there was little enterprise in the Company, there were at least few bad effects upon the Indians. The honesty of the trappers under the old Hudson's Bay régime was proverbial. Alexander Henry, one of the first British traders to penetrate these regions from Canada, relates how an Indian had obtained 'credit' from the Company to the value of 3,000 'plus', and how, after the trapper's death, his relatives brought all their season's furs by canoe to Hudson Bay, to discharge the debt.[2] More than one trader 'cached' the furs obtained from the winter's trade among the trappers, and found the store intact on their return.[3] It was only after Frobisher, a Canadian trader, intercepted the Indians on their way to the Bay in 1775, and secured their furs which had been intended to discharge debts at Fort Churchill, that the Hudson's Bay Company found it necessary to push inland and to qualify their reliance upon the primitive honesty of the red man.

(43 Geo. III, ch. 138). Selkirk's *Sketch of the Fur Trade*, MS. of second edition, p. 107. It seems evident from the documents relating to the Act that Lieut.-Gov. Milnes was considering the North-West Company and the XY Company only when the Act was suggested. Dominion Archives, *Report*, 1892, Note E, pp. 136–44.

[1] *Voyages to the Frozen and Pacific Oceans*, London, 1801, p. xci.

[2] *Travels and Adventures in Canada and the Indian Territories*, ed. James Bain, Toronto, 1901. Masson, *Les Bourgeois de la Compagnie du Nord-Ouest*, Quebec, 1889, p. 7, &c.

[3] Masson, p. 8.

In the competition that ensued, the Hudson's Bay Company laboured under fatal disadvantages. Their officials were paid a fixed salary and acted under written orders from Directors in London who had 'avocations of higher interest'; while the Canadians traded for themselves or for a company in which promotion depended upon the measure of tangible success with no nice discrimination as to methods. Too timid to venture far afield, the Hudson's Bay traders were systematically brow-beaten and bullied out of their rights by the well-trained Canadians. Even at Hudson Bay it had been the custom to trade with the Indians 'through a window or hole', and to discourage intercourse with the Indians.[1] The Canadian trader went fearlessly among them, made lavish use of rum and spirits, and in 1811 took out by canoe to Fort William from the Hudson's Bay territories alone, more furs than that company shipped from their own ports on Hudson Bay.[2] 'Three years have not elapsed', Selkirk wrote in 1816, 'since the Canadians in the interior were in the common habit of ridiculing the officers of the Hudson's Bay Company as old women who had not courage even to defend the furs which they had obtained.'[3] Selkirk found it necessary, it will be seen, to change the 'jog trot mode'[4] of a century in order to secure the necessary measure of co-operation between the original fur-trading interests of the Company and his own absorbing interests in settlement.

The contrast at this moment with the energy and success of the North-West Company can scarcely be overdrawn. The 'North-westers' looked upon their rivals with undisguised contempt. From the days of Alexander Henry, soon after the cession of Canada to Great Britain in 1763, to the time of the McTavishes, the Astors, and the McGillivrays, the fur trade had attracted many of the shrewdest men in the two Canadas. Till 1783 trade was carried on chiefly by individual

[1] 'The Governor beat one man with his cane for going to light his pipe in an Indian tent.' *Report from the Commission on the State of the Hudson's Bay Company*, Apr. 24, 1749, pp. 216, 221, &c.
[2] N.-W. C. to H. B. C. Aug. 6, 1811, *Selkirk Papers*, 213.
[3] *Sketch of the Fur Trade*, MS. *Selkirk Papers*, 1c013.
[4] Selkirk to Macdonell, Dec. 23, 1811, *Selkirk Papers*, 125.

enterprise. In the winter of that year, however, the North-West Company was formed under the management of the Frobishers and of Simon McTavish, a shrewd though autocratic highlander, who bore the name of 'Premier' or 'Marquis' of the Canadian fur trade till his death in 1804. Twice the supremacy of the North-West Company was challenged. In 1785 a rival company brought about 'the severest struggle ever known in that part of the world,'[1] until the competition, with ruinous losses to both parties, led to union in 1787. The North-West Company then began its phenomenal growth which continued for fifteen years without intermission. In 1788 the gross 'annual amount of adventure' did not exceed £40,000. In eleven years it had increased more than three-fold, 'surpassing . . . anything known in America.'[2] The fabulous profits of the Montreal partners, in fact, and the autocratic rule of 'the Marquis' led to another disastrous rivalry. The old North-westers were assailed, on their own ground and by their own methods, by the X Y Company, as it was called, under Sir Alexander Mackenzie, the explorer and author, whose *Voyages* had already exercised powerful influence upon the aims of Selkirk. There was practically open war in the interior. Blood was shed; violence and unscrupulousness were the order of the day. Both companies began to feel the fatal drain of competition. Finally, in 1805 there was a coalition under the name of the North-West Company which produced the most powerful combination in the history of the fur trade.

The 'winter partners', as they were designated, supervised the trade in the interior during the winter, and in the spring brought the season's furs by canoe to Fort William at the head of Lake Superior. Here they were met by the Montreal 'nabobs', the controlling partners of the company, with much display of courtly dress and opulence. The weeks at Fort William formed the one sustaining vision of the fur-trader's life. Trade deliberations were held in the council chamber

[1] *Voyages to the Frozen and Pacific Oceans*, Alexander Mackenzie, p. xix.
[2] Ibid., p. xxiii.

behind bolted doors; the nights were given up to feasting and dancing among the clerks and traders, and to such princely banquets among the partners as were surpassed in magnificence only by the elaborate functions of the *Beaver Club* at headquarters. The most successful winter partners received here their reward in august compliments and promises of promotion. Those who had failed, received a censure that was not to be forgotten, either by themselves or by their competitors in the race for a Montreal partnership. It was the dream of the clerk to become the master of a trading-post; the trader aspired to become a winter partner; the winter partner braved toil and privation for a decade in the hope of spending his declining years in ease and luxury as a Montreal *bourgeois*. The price of promotion was obedience and success. No system could have been devised more effectively to stimulate ambition, to remove inconvenient scruples, to direct the whole enterprise 'with complete unity of purpose', to 'infuse activity into every department', and to render secret and safe the most daring measures against a rival company. At Fort William 'hints and oral instructions' were intelligible; in the interior there was an *esprit de corps*, combined with a 'convenient absence of scruple'. For keen, hard, shrewd efficiency the North-West Company was perhaps the most terribly effective organization that had ever arisen in the New World.

It is clear that Selkirk miscalculated completely the attitude and untried resources of the North-westers as well as the task of reorganizing the Hudson's Bay Company. There is evidence that to Selkirk himself, though naturally not to the Colviles, the fur trade was from the first a secondary but, as it proved, a necessary consideration. It was to be deplored, as Selkirk found too late, that rivalry in the fur trade should have involved his scheme of British colonization in disastrous conflict with the purely mercantile interests of a trading company. 'It is a business', he wrote to Lady Selkirk, 'which I hate from the bottom of my heart.'[1] The North-westers, however, who had little concern and less sympathy with colonization, surmised an elaborate scheme to

[1] *Correspondence at St. Mary's Isle*, vol. iii, p. 405.

ruin their trade and to cut them off by means of a settlement on the Red River from the *El Dorado* of the fur trade, the famous beaver areas of Athabasca. Opposition to Selkirk was at first tentative, because the North-westers were almost incredulous. It became acute in England only when it was too late to defeat the project in the stock market or at the council board. Outwitted at head-quarters, the North-westers determined to hurl the full weight of their company, unsurpassed in America for organization and discipline, against both settlement and Hudson's Bay Company in Assiniboia. It is this conflict which filled the rest of Selkirk's life, and determined for more than half a century the future of settlement in the West.

It was in 1808, within a year of his marriage, that Selkirk began to purchase Hudson's Bay stock with the aim of securing a position on the directorate. It is singular that his ally in this enterprise should have been Sir Alexander Mackenzie,[1] whose interests were centred exclusively in the fur trade, and whose aims, it proved, were to prevent a recurrence of the trade warfare of 1804 by bringing the Hudson's Bay Company under the control of the North-westers.[2] It was not the first time that Canadian traders had proposed a union with the Hudson's Bay Company. In 1804, during the rivalry between the North-West and the X Y Companies, Edward Ellice, one of Sir Alexander Mackenzie's fellow partners, had proposed to the Governor of the Hudson's Bay Company, the purchase of the entire stock for £103,000, 'for the Canadian companies'.[3] Sir Alexander Mackenzie's co-operation in 1808, however, soon came to an end. It

[1] Mackenzie to Selkirk, June 22, 1808, Oct. 29, 1808, &c. *Selkirk Papers*, 1, 7, &c.

[2] 'Sir Alexander Mackenzie states that by a verbal understanding with Mr. McGillivray his purchase of the Hudson's Bay stock belonged to the North-West Company, and that if Mr. McGillivray himself had been there, a sum of thirty thousand pounds might have been invested in that stock; "all which Lord Selkirk purchased".' Masson, *Les Bourgeois de la Compagnie du Nord-Ouest; Reminiscences of Roderic McKenzie*, vol. i, p. 53.

[3] 'That transaction only was not carried into effect because part of the stock was found to be the property of infants, and other persons incapable of giving a title, or making a transfer, and which would have made it necessary for the parties to go to the Court of Chancery for powers, and

became apparent that Selkirk's aims were far more comprehensive than a financial speculation in stocks or casual venture in the lucrative fur trade. There were threats of a suit in Chancery to secure control of stock already purchased, and at one time indications that the North-West Company might be influenced by Mackenzie's shrewd advice to kill competition in London rather than fight it in Assiniboia. 'He will put the North-West Company to greater expense', he wrote of Selkirk, 'than you seem to apprehend, and, had the Company sacrificed £20,000, which might have secured a preponderance in the stock of the Hudson's Bay Company, it would have been money well spent.'[1] The warning, it seems, proved ineffectual. North-westers 'thought it prudent to desist from any further purchases',[2] while Selkirk and his relatives quietly secured a controlling interest in the Hudson's Bay Company. When the North-West agents in London realized the gravity of the situation, it was already too late to offer any effective resistance.

It seems to have been Selkirk's intention to carry the Company with him in a project of colonization without assuming in person more than the perfunctory offices of a director. The old officials and directors of the Company, however, were scarcely to be won to an enthusiastic interest in anything but their own dividends. The superintendent at York Factory 'wrote letters to his employers calculated to induce them to abandon' Selkirk's enterprise, and 'entirely neglected the instructions which had been given him respecting the formation of a colony at Red River'. 'In these circumstances,' reads the statement in the *Correspondence*, 'Lord Selkirk was induced to make a proposal which met the views of the Directors, viz. to take upon himself the charge of forming the intended settlement on condition of the Company granting him a sufficient extent of land to afford an indemnification for the expense.'[3] In May 1811, at a General Court of the

I did not at that time want that this transaction should be published.' Evidence of Edward Ellice, *Report from Select Committee*, 1857, p. 344.

[1] Masson, *Les Bourgeois de la Compagnie du Nord-Ouest; Reminiscences of Roderic McKenzie*, vol. i, p. 53.

[2] Sir Alexander Mackenzie to Roderic McKenzie, Apr. 13, 1812. Masson, i, 52.

[3] *Correspondence, St. Mary's Isle*, vol. i, p. 14.

Hudson's Bay Company, the Directors granted to him an area of 116,000 square miles, now comprising in parts of Manitoba, North Dakota, and Minnesota, one of the most fertile districts on the North American continent. Ellice and Inglis of the North-West Company, who had purchased enough stock to give them an interest in the Hudson's Bay Company, protested in vain that the sale should be postponed, that Assiniboia should be sold at public auction,[1] and that Selkirk's whole scheme was 'dictated by a wild and frantic spirit of projection'.[2] By deed of June 12, 1811, Selkirk became the owner in fee simple of a district five times the size of Scotland, extending from 52° 30′ north latitude (passing through Lake Winnipeg) on the north, to the height of land on the south, between the northern watershed and that of the Missouri, the Mississippi, and Lake Superior; and stretching from Lake Winnipeg and the Winnipeg River system (from its source near the Lake Superior watershed) on the east, almost to the source of the Assiniboine on the west.[3]

'Rights of property' in Assiniboia, it seems, were more easily acquired than vindicated. Directly after the meeting of the General Court which granted to Selkirk 'the legal right to the soil', there was a meeting of North-westers in London. Simon McGillivray hastened to convey their 'unanimous opinion', with regard to 'opposition' and a 'year of trial', to the Montreal partners and through them to every North-West winter partner and trader from Fort William to the remotest trading-posts of Athabasca.[4] Even Sir Alexander 'pledged himself in the most unequivocal and decisive manner to oppose the establishment of this colony by all means in his power.'[5] A comprehensive plan of colonization thus became the pretext for a sordid commercial quarrel. Peaceful settlement drifted inevitably into partisanship. The highland settlers suffered most from men of Scottish blood and their own highland speech. Captain Miles Mac-

[1] *A Narrative of Occurrences in the Indian Countries of North America*, London, 1817. Appendix i.
[2] *Narrative*, p. 151. [3] See Appendix B.
[4] Simon McGillivray to McTavish, McGillivray & Company, June 1, 1811. *Correspondence, St. Mary's Isle*, vol. i, p. 27.
[5] Miles Macdonell to Auld, Dec. 25, 1811, *Selkirk Papers*, i, 104.

donell, a Glengarry highlander from Upper Canada, was chosen to lead the expedition to Red River. 'I have reason to expect', he wrote to the Superintendent at Hudson Bay, 'that every means the North-West Company can attempt to thwart it will be resorted to.'[1]

[1] Macdonell to Auld, Dec. 25, 1811, *Selkirk Papers*, 104.

Selkirk's motives in the grant of Assiniboia have been impugned for very divergent reasons. North-westers wrote of 'the paroxysms of his *colonising disorder*', and of their 'conviction . . . that his Lordship as sincerely as singularly believes in the probability of ultimate success' (*Narrative*, p. 59). On the other hand, it was affirmed that his aims were purely mercenary, that they were 'marked with more than the precaution of the American land-jobber' (Dr. Strachan's *Letter*, London, 1816), and again that the grant of Assiniboia was 'only a pretext . . . to carry into effect the Noble Lord's plans of aggression' in the fur trade against the North-West Company (*Narrative*, p. 10).

There is evidence that Selkirk drew his inspiration from Penn and Baltimore rather than from 'the friends of humanity', though the prominence of not ungenerous impulses—'the prospect of doing so much good', as Selkirk expressed it in an intimate letter to his brother-in-law—is uniformly borne out by the tone of Selkirk's most confidential correspondence. His proposal to Pelham in 1802 for colonization at Red River (the H. B. Co. to be 'amply indemnified for . . . abolition' of the Charter) failed because Government was opposed to 'colonizing at all *en masse*'. In Upper Canada, the Family Compact was too strongly entrenched in the control of public lands to afford scope for proprietary colonization on a large scale. Under the circumstances, the Hudson's Bay Charter itself seemed to afford a unique opportunity to one who was 'assured' as Selkirk claimed to be, 'of reaping the future benefit of his care' both in ultimate remuneration and in the association of his name with a movement of vast possibilities 'in a national point of view.'

Selkirk's motives at this stage can scarcely be summarized without the necessary perspective; though enough evidence may be adduced to make his plan intelligible. Lady Selkirk wrote jestingly of 'your Kingdom on Red River' (*Correspondence*, iii. 390, H.). The motives 'upon which I have acted', wrote Selkirk explicitly, 'were based upon the importance of the Settlement on Red River in a national point of view' (*Selkirk Papers*, 2126), and involved 'the important question whether extensive and fertile regions in British North America are ever to be inhabited by civilized society' (*Statement*, p. vii). He repelled coalition with the North-westers down to his death, because he was bent 'upon proving that it was neither a wild and visionary scheme, nor a trick and a cloak to cover sordid plans of aggression' (*Correspondence*, vi. 966, d). That the undertaking would prove ultimately remunerative, 'though not immediately profitable', was avowedly an object of hope and an article of faith; although, as it happened, the expenses incurred proved ruinous to his private fortune. (Cf. *Selkirk Papers*, 5772; *Correspondence*, viii. 1279, A. &c.) Any estimate, however, which omits either Selkirk's conviction that the advantages of colonization in the United States could be duplicated within the Empire, or his ambition to identify the traditions of the Douglas family in national service with this plan of imperial development, would seem to be less than just to the fundamental aims of Selkirk's work in Canada.

CHAPTER III

THE RED RIVER SETTLEMENT

THE first colonizing venture to the Canadian West began under every unfavourable augury. Unseasonable weather, lack of organized co-operation between Company and settlement, and insidious opposition from the North-westers had all to be surmounted. Selkirk's plan for a joint stock company had been launched in a prospectus which promised for a time to enlist support in Ireland and the highlands;[1] but the political atmosphere of Europe was unsettled and the investor proved chary of distant and novel enterprises. The project failed altogether to find financial support outside the circle of Selkirk's immediate friends and relatives;[2] while the pardonably enticing terms of the prospectus—though 'this document was neither advertised, nor published, nor, in any shape, publicly circulated'—were pounced upon at the time and have been quoted since as a travesty upon truth to lure the innocent settler to an unknown wilderness.[3] A 'Highlander' interested in the North-West Company denounced the expedition in the *Inverness Journal* as a 'Utopian project',[4] and

[1] Macdonell to Selkirk, July 4, 1811; *Macdonell Papers*, 253.

[2] A. Wedderburn-Colvile (whose covert opposition one may infer from Auld's freedom of address against the settlement, *Selkirk Papers*, 65), and Halkett, Selkirk's brothers-in-law, and a few others. In *Selkirk Papers*, 119, Sir Benjamin Hobhouse, William Smith, and Zachary McAulay appear as trustees of the new townships in Red River.

[3] 'One of the grossest impositions that ever was attempted on the British public' (p. 10). 'All the premises urged in the Prospectus to leave Great Britain are false or delusive' (p. 51). *A Letter to the Right Honourable Earl of Selkirk on his Settlement at the Red River, near Hudson's Bay.* John Strachan, D.D., London, 1816. Cf. Gunn's *History of Manitoba*, &c. See the *Statement respecting the Earl of Selkirk's Settlement in North America* (London, June 1817), p. 118, note.

[4] 'Even if they escape from the scalping knife they will be subject to constant alarm and terror. Their habitations, their crops, their cattle will be destroyed, and they will find it impossible to exist in the country.' See *Selkirk Papers*, 137.

copies of the paper mysteriously found their way wherever Selkirk's agents were enlisting men for the new enterprise.

The recruiting grounds were remote and by no means very productive. Men had been hired for the settlement or the Company, in Glasgow, but only under extravagant and unwarranted inducements.[1] Seventy men had been promised from Sligo, Killala, and Galway, in Ireland; but only fifteen reached Stornoway in July. The difficulty of securing recruits was followed by such protracted delays in reaching the rendezvous at Stornoway that the whole expedition was left belated and disorganized. Macdonell himself was at Yarmouth on June 27, where he remained storm-bound till July 4. He was compelled a few days later to put into Stromness from stress of weather, and did not reach Stornoway till July 17. More than another week was passed in embarking and petty wrangling with covert enemies and half-hearted friends. It was late in July before the Hudson's Bay ships *Prince of Wales*, *Eddystone*, and the transport *Edward and Ann* were ready for sea. 'This, my Lord,' wrote Macdonell to Selkirk, 'is a most unfortunate business.'[2]

The excessive wages offered by the Company's agent to the Glasgow men occasioned the first disagreement. It was pointed out that if Macdonell had power to change their agreements for the worse he could alter them for the better; and it required some tact in view of the paucity of numbers to quiet the clamour for an increase. Hostile interference from without led to even more unpleasant measures in self-defence. The Collector of Customs was a Mr. Reid, whose wife, it seems, was related to Sir Alexander Mackenzie.[3] For two days[4] Reid subjected the party to every official formality, and

[1] The H. B. Committee 'pointedly refused to sanction the engagement. . . . To cover the agent and to prevent any disagreeable consequence, the Earl of Selkirk instructed me by letter to take these men into his service.' *Macdonell Papers*, 281. Meanwhile the H. B. servants promptly placed the blame upon Macdonell's shoulders. Auld to Wedderburn, *Selkirk Papers*, 65. Auld spells the name Captain McDonald. Selkirk's plan was to send at first a party of servants and labourers to open up the country for the families of permanent settlers.

[2] Macdonell to Selkirk, July 25, 1811, *Macdonell Papers*, 262.

[3] *Macdonell Papers*, 263. Cf. *Journal of John McLeod, Sr., Ch. Trader, H. B. Co.*, p. 1.

[4] *Macdonell Papers*, 257.

pointedly assured the servants for the settlement that desertion could be punished only by an action at law for breach of contract. Meanwhile a certain 'Captain MacKenzie', Reid's son-in-law, visited the *Edward and Ann* with a recruiting party and left several of the king's shillings with the wavering passengers. Prompt measures were found necessary to prevent desertion, a party of marines from H.M.S. *Conway* having gone through the ceremony of impressing a few of the more refractory and hurrying them off to the man-of-war.[1] One party of deserters made off with the ship's boat, but was overtaken and brought back. Five men escaped altogether and were not again seen; one man 'jumpt into the sea and swam for it'.[2] One of the party, Blair by name, went ashore 'on pretence of some business' and sent Macdonell word of his departure by the customs collector; he left his luggage on board and took revenge through the North-westers in London.[3] 'The delay . . . by the Custom House', wrote Macdonell, 'has occasioned all this.' 'All the men that we shall have are now embarked, but it has been a Herculean labour.'[4]

Early on July 26, Captain Hanwell, with sudden 'hurry and impatience', put to sea, leaving 20 men of the original 126 at Stornoway. It was a strange company, comprising Hudson's Bay traders and indentured servants to prepare the way for permanent settlers and their families who were to reach Red River only in 1812. There were Orcadians, Glasgow men, a few clerks, 'turbulent and dissatisfied', and 'some ancient servants . . . wholly unfit to earn their salt.'[5] Edwards was the surgeon; and the Rev. Charles Bourke, who had left Killala without the consent of his bishop, displayed a whim-

[1] *Macdonell Papers*, 257.

[2] There was a North-West version current at Fort William as early as August of the next year, that those who tried to escape were dragged on board with boat-hooks. John Macdonell to Miles Macdonell, Aug. 6, 1812, *Macdonell Papers*, 157.

[3] Macdonell to Selkirk, Oct. 1, 1811, *Selkirk Papers*, 40; id. 288. Blair entered the house of MacTavish and Fraser of London (*Macdonell Papers*, 157), and made a deposition for circulation in the highlands. Selkirk to Macdonell, June 20, 1812, *Selkirk Papers*, i. 712.

[4] Macdonell to Selkirk, July 25, 1811, *Macdonell Papers*, 257.

[5] Auld to Wedderburn, Oct. 3, 1811, *Selkirk Papers*, 74.

sical unfitness for the priesthood which was not balanced, even in Macdonell's lenient estimation, by his erratic zeal for the enterprise.[1] What with bad seamanship, inefficient skippers, a transport undermanned and ill-fitted,[2] and 'an uncommon share of boisterous, stormy and cold weather', it was September 6 before the land was sighted at Button's Island, and September 24 before the first ship was signalled at York Factory. Macdonell had dispelled as far as possible the tedium of the ocean voyage by teaching the rudiments of military discipline to men who had probably never in their lives shouldered a rifle or fired a shot.[3] The passage had taken sixty-one days, 'the longest ever known and the latest to Hudson's Bay.' It had been the intention to push on at once to Red River, but with every delay the prospect of a successful inland voyage receded. The *Eddystone*, with many of the Company's servants for Fort Churchill, reached York Factory too late even to proceed to her destination, and her passengers swelled the numbers of those who were compelled to face the uncertainties of a Hudson Bay winter at the mouth of the Nelson.

The traders made it apparent that York Factory could afford no accommodations for the newcomers.[4] Auld and Cook, the officers at the Factory, hastened to select a spot for the encampment.[5] On the north bank of the Nelson, twenty-three miles from York Factory, the men fared as best they could under wigwams of skins till Macdonell arrived and directed the building of the loghouses for the winter. A description was sent home to Selkirk of this first encampment of men for the Red River.[6] An irregular line of huts

[1] Macdonell (himself a Roman Catholic) to Selkirk, *Selkirk Papers*, 49.

[2] 'The *Edward and Ann* was very ill fitted out for a Northern voyage—old sails ropes &c., &c., and very weakly manned. . . . I am surprised the Company would charter and send her off in that state.' Ibid., p. 47.

[3] 'There never was a more awkward Squad—Not a man or even officer of the party knew to put a gun to his eye.' Ibid., p. 48.

[4] John McLeod in his *Journal*, M. 201, p. 1, writes that the settlers received a 'cold and haughty reception'. McLeod had engaged as clerk at Stornoway in 1811, and had come out in the *Edward and Ann*.

[5] See Macdonell to Selkirk, May 31, 1812, *Selkirk Papers*, 321; also Macdonell to Selkirk, May 31, 1812, *Selkirk Papers*, ii. 355.

[6] *Selkirk Papers*, i. 344. Winter quarters were completed by Oct. 26.

fronted the river on a narrow flat, with a wooded bank rising 130 feet in the rear. The huts were built in the fashion of the Canadian woodsman; of rough logs with roof sloping to the rear and covered over with moss and clay nearly a foot in thickness. The men were as awkward with the axe as Macdonell had found them with the rifle. Fences were built as drives for deer which never came;[1] and a party of amateur huntsmen, with 'every possible exertion', brought in three brace of partridges in as many weeks. Constant employment, however, was next best to a full larder. A month or two passed as smoothly as could have been expected; though Auld lost no opportunity of girding at the Irish, and of chafing under his new responsibilities.[2]

It was clearly evident that the servants of the old régime looked askance both at Selkirk's prompt business-like instinct in rejuvenating the moribund Company, and at his novel projects for permanent settlement. As early as October 3rd, Auld wrote to Wedderburn that the men from Sligo were 'constantly quarrelling and fighting'. One of the servants of the Company had given his age at 40 who had previously entered the service in 1781 at the age of 26.[3] Macdonell was found to be 'all ardour and contempt of obstacles'.[4] Auld ventured to suggest to Selkirk himself that he 'had been imposed on'.[5] Macdonell, meanwhile, by compliments and some self-restraint, maintained a conciliatory attitude with the Hudson's Bay officials; though his letters to Selkirk were less delicately worded,[6] and Selkirk himself, in Scotland, wrote

[1] Twenty-seven were caught in snares during the spring. *Macdonell Papers*, 355.

[2] *Selkirk Papers*, i. 65.

[3] Auld to Wedderburn, Oct. 3, 1811, *Selkirk Papers*, i. 75. Cf. Macdonell to Selkirk, May 29, 1812, 'Eighteen or twenty of the men shipped from Stromness last year are from age or infirmity unfit for the Co's service.' *Macdonell Papers*, 321.

[4] Ibid., i. 81.

[5] Auld to Selkirk, Oct. 1811, *Selkirk Papers*, i. 59.

[6] See Macdonell to Auld, Dec. 25, 1811, *Macdonell Papers*, p. 281. Ibid., 288, 322; Macdonell to Cook, Jan. 11, 1812, Ibid., 291, &c. Cf. Macdonell to Selkirk, May, 31, 1812. Letters to Auld and Cook were 'as moderate as I could possibly word them'. 'They appear to be fond of long letters and forming systematic arguments. Less writing and more active operations would in my opinion be preferable and more beneficial to their employers.' *Selkirk Papers*, ii. 360.

of the 'jog trot mode in which the Company's concerns have hitherto been carried on'.[1]

Macdonell hastened to gather under his own supervision the men who were to break first ground in the new settlement. There were ten or eleven of the Glasgow men, a few highlanders, Irish and Orkney men, thirty-five in all. Macdonell had hoped for many recruits from the servants of the Company. Only one volunteered; an 'old hand' versed in 'factory law', who proved to be a prolific source of discord, and threatened in the spring altogether to destroy the enterprise.[2] Meanwhile Auld left for Fort Churchill, and it required some forbearance to regulate cross purposes between encampment and factory. There were complaints of arrogance and disorder[3] on the part of the servants of the Company, and of indifference and insult on the part of the settlers.[4] Even when good fellowship prevailed, 'the men were tampered with,' wrote Macdonell, 'and always returned with some discouraging story.'[5]

Macdonell could scarcely have anticipated the hardships and disagreements of the winter. The horrors of scurvy could be warded off among his own men by enforced potions of the white spruce, the sovereign remedy which Cartier had discovered nearly three centuries before from the Indians of Stadacona.[6] The 'old hand' however, asserted his preference

[1] Selkirk to Macdonell, Dec. 23, 1811, *Selkirk Papers*, i. 125.

[2] Cf. Macdonell to Selkirk, May 31, 1812, 'The rascal Finlay has been the occasion of all this.' *Selkirk Papers*, ii. 362.

[3] Cook to Macdonell, Dec. 29, 1811, *Selkirk Papers*, i. 129.

[4] 'One of my officers . . . complains of being left all night in the common Guard Room among your men, having arrived at the Factory late at night, frostbit, after wandering all day in the woods without victuals. He could not possibly go away for that night, and was next day dragged on a sled, unable to walk. I forbear making any comment; and give the matter candidly as stated to me.' Macdonell to Cook, Jan. 9, 1812, *Macdonell Papers*, 291. Cf. Cook to Macdonell, Dec. 23, 1811, 'Your clerk is not so much injured by the frost as was represented—and his tongue, which is tolerably flippant, has not at all been hurt by the perils of his journey.' *Selkirk Papers*, i, 123, 124.

[5] Macdonell to Selkirk, May 31, 1812, *Selkirk Papers*, ii. 352.

[6] 'This is an approved specific, but it is not an easy matter to get the Orkney men to drink it, particularly the old hands, whose example has a bad effect on the others.' Macdonell to Cook, Jan. 26, 1812, *Macdonell Papers*, 297. Cartier gives the description of the preparation and effects of this remedy in his *Journal*.

for the Hudson's Bay remedies of porter, cranberries, and port wine;[1] in the end he became the ringleader in an open insurrection. The Governor meanwhile nursed his determination to send the chief offenders back to England in a body for trial at Westminster,[2] while three or four of the Glasgow 'writers' at the factory kept the 'insurgents' well informed of measures at head-quarters as well as liberally supplied with arms and ammunition. 'The *old hands*', wrote Macdonell, 'have done their utmost to corrupt not only these but all my people.'[3]

The approach of spring, however, brought fresh provisions in abundance,[4] and the prospect of an early voyage to Red River. Boats for river navigation had been prepared in England, but the captain of the schooner which was to land them at York Factory had refused to take orders from the ship's officer who had brought them out. The dignity of this petty official was of more importance than the foundation of Manitoba; the boats were accordingly taken back to England.[5] Three or four rough Canadian bateaux were built at the factory during the winter, but only after 'a vast deal of writing and three trips to the Factory' by Macdonell to overcome the 'blind attachment' of the Chief Factor to the heavily-built keeled boats of the old Company. Auld's return at last from Churchill seems to have brought much salutary discretion. From the 'insurgents', the prompt refusal of all provisions or even shelter at the factory, till their arms and ammunition had been surrendered, brought a speedy capitulation. The same result might have been accomplished in February by a policy of co-operation at the factory. On June 19, Macdonell wrote that the 'insurgents' had 'thrown themselves

[1] The Hudson's Bay servants, either through ignorance or preference for other remedies, seem to have made no use of the spruce in cases of scurvy. *Macdonell Papers.*

[2] Macdonell to Auld, April 18, 1812. *Macdonell Papers*, 304.

[3] *Selkirk Papers*, ii. 352.

[4] 'People may complain of bad living in Hudson Bay but it is certain that we have all got fatter than when we came to it.' Macdonell to Selkirk, May 31, 1812, *Selkirk Papers*, ii. 356. Cf. Macdonell to Auld, Feb. 9, 1812, 'rather comfortable than otherwise.' *Macdonell Papers*, 303.

[5] Macdonell to Auld, Dec. 25, 1811, *Macdonell Papers*, 285.

entirely on the mercy of the Committee;'[1] on the 22nd, he left at last the winter encampment by boat and reached York Factory at six o'clock the following morning, after a night of exposure and danger from the drifting ice in the river. The whole party was assembled at York Factory on the 25th. When the inland traders came down the river, Macdonell gathered his party of 'effectives', now only about twenty-two in number, and on July 6 moved up the Hayes River, with the 'inlanders', towards the first portage.

The 'winterers' and the servants for the settlement ascended the river together as far as Oxford House, where the traders scattered for their winter posts. Even here, it seems, some of the men were wavering between the settlement and the service of the Company. Macdonell's party, at this stage, comprised twenty-three men, of whom eight were Irish, three were experienced hands engaged at Oxford House, and one was an Indian guide. With these he manned one of the bateaux and two large sail-boats which he had procured at Oxford House, and sailed up the river (as he wrote to Selkirk) towards 'the Land of Promise'.[2] The expedition reached 'the Forks'[3] on August 30. On the east side of the Red River, opposite the North-West Company's trading-post, the party pitched their camp in company with the Hudson's Bay traders from Brandon House and the East Winnipeg District, and began to replenish their scanty stores of provisions with whitefish from the river.[4]

The ceremony of legal delivery and seisin of the grant for the settlement was performed with imposing formality. On the eastern bank of the river opposite the North-West Company's post, Macdonell, with a guard of officers under arms and with colours flying, took seisin from Hillier of the

[1] Macdonell to Selkirk, *Selkirk Papers*, ii. 411. [2] Ibid., p. 445.

[3] Of the Red and Assiniboine Rivers. The N.-W. Co. trading-post had been built by Wills, or Willis, in 1804, and consisted of a house for the N.-W. Co. partner, two houses for the men, a store, two hangards or stores, a blacksmith's shop, a stable, and an ice-house with a watch-house (*guérite*) over it. Testimony of Jean Batiste Roi, at the trial of Colin Robertson et al. *Report of Trials in the Courts of Canada*. A. Amos, London, 1820, p. 3.

[4] The Brandon House traders had 'not one bag of Pemican, or any other article of provision reserved for us'. *Selkirk Papers*, iii. 764.

Hudson's Bay Company,[1] of a tract of land almost as large as the United Kingdom, and comprising perhaps the best wheat land in North America. The 116,000 square miles, chiefly of unbroken prairie, were traversed from south to north by the Red River and from west to east by the Assiniboine. The river banks were steep and wooded, but the black alluvial soil of the open plain yielded a prolific harvest in a single season. The patent was read in the presence of Macdonell's party, a few Canadian 'freemen' and Indians, and three of 'the N.-W. Co. gentlemen,'[2] who, however, 'did not allow their people to cross'. The 'artillery' was discharged, and after the ceremony was over, 'the gentlemen,' writes Macdonell, 'met at my tent.' This formal act of delivery and seisin took place on September 4, 1812. The proceedings were reported by the three 'N.-W. Co. gentlemen' to the partners at Fort William.

Macdonell had no intention of passing the winter at the Forks. A few of the servants remained to build a storehouse and to break land for the cultivation of wheat. The main party ascended the river towards the winter pasture-grounds of the buffalo. Macdonell himself, after examining the stream below the Forks for a suitable site for permanent settlement,[3] left his boat's crew at work on 'the most eligible spot—an extensive point of land' near the Forks on the west bank of the Red River, now Point Douglas within the City of Winnipeg. He then 'set off on horseback for Pembina'. Preparations were made for the winter on a point of land to the south at the junction of the Pembina with the Red

[1] *Journal of John McLeod, Sr., Ch. Trader, H. B. C.*, M. 201, p. 2.

[2] The three 'N.-W. Co. gentlemen' were John Willis, Alex. Macdonell (brother-in-law of Miles Macdonell), and Benjamin Frobisher. McLeod's *Journal*, M. 201, p. 2.

[3] John Macdonell, brother of Miles, had written to him from Bas de la Rivière House on June 27, 1812, 'The safest places from the incursions of these barbarians (the Sioux Indians) and the best lands lay between our post of the Forks or junction of the Red and Assinibouan Rivers and Lake Winipick, a distance our canoe men reckon twenty leagues.' *Macdonell Papers*, 149. John Macdonell held at this time two shares in the North-West Company and had been eighteen years in the North-West. Ibid. When this letter was written he was on his way to Montreal with the intention of retiring from the fur trade.

River.[1] Buffaloes were procured in abundance from the plains and fish from the river, by the 'freemen' and half-breeds; supplies went down by boat to the Forks for a second party of settlers that had sailed from Stornoway and Sligo during the summer. Selkirk had been engaged, in the face of North-West opposition in Great Britain, in sending out families for permanent settlement, and in maturing plans for schools and agriculture, for police, and the exercise of the Company's jurisdiction under the old Charter.

Sir Alexander Mackenzie and the North-westers had amply fulfilled their promises of opposition.[2] 'In the Highlands', wrote Selkirk, 'we have met with so much obstruction that I doubt whether it will be effectually overcome unless I go out myself.'[3] Garbled accounts of the troubles at Stornoway in 1811 had appeared in the *Inverness Journal*;[4] and by the following summer similar exaggerations had been scattered broadcast throughout the North-West Company's sphere of operations, from the opulent partners in London and Montreal to the reckless winterers in Athabasca. Before the settlers had left the shores of Hudson Bay, a North-wester who had wintered at Lesser Slave Lake, 2,500 miles by canoe in the interior, could discuss familiarly with Macdonell the details of Blair's desertion, Selkirk's reputation among the North-westers, the scanty success of Selkirk's previous colonizing enterprises in Upper Canada, and the probabilities of failure at Red River.[5] There is evidence that such uniform and ample information was neither ordinary nor casual.[6] The North-

[1] *Selkirk Papers*, iii. 766.

[2] See above, p. 34. Macdonell to Auld, Dec. 25, 1811, *Selkirk Papers*, i. 104.

[3] 'Which I have serious thought of doing next year; I almost wish that I could have been ready this season.' Selkirk to Macdonell, March 24, 1812, *Selkirk Papers*, i. 292.

[4] Deserters from the *Edward and Ann*, it was said, were 'thrust into the Hold and fed upon Oatmeal and Water'. 'Some... pursued from the ships, overtaken and dragged on board again.' *Selkirk Papers*, i. 147.

[5] John Macdonell to Miles Macdonell, June 27, 1812, *Macdonell Papers*, 149.

[6] See p. 34. Simon McGillivray to McTavish, McGillivray & Co., June 1, 1811; Winter partners, N.-W. Co. to McGillivray, July 17, 1812, &c., &c., *Selkirk Papers*, 8630.

westers now admitted the cogency of Sir Alexander's prophecy. At Hudson's Bay head-quarters the old Company was beginning to show signs of rejuvenation. The 'jog trot mode' of a century and a quarter among the traders could not be changed in a season from Hudson's Bay House in London; but the precise and detailed instructions which remain enable one to trace Selkirk's dominant influence during the ensuing struggle.

An enterprise under Hillier on the Upper Churchill was the counterpart in the Company's fur trade of Macdonell's enterprise in settlement; and though Selkirk's directions to meet the prevailing conditions were not unsound in theory, it is evident that he underrated most unaccountably the strength and resources of his opponents. The growth of the North-West Company had been extraordinary since Selkirk had dined with the *Beaver Club*. The partners were not now so communicative. Even in 1804 indiscriminate good-fellowship never went beyond the Grand Portage. Selkirk's strategic victory over Mackenzie may also have led him to underestimate the resourcefulness of the McGillivrays and their partners, in the shrewdest, hardest, and thriftiest business enterprise in the two Canadas. Hillier was sent to the Upper Churchill less to secure immediate returns than to 'overawe any attempt at violence on the part of the Canadians';[1] 'not so much in the light of a trader,' wrote Selkirk, 'as of a magistrate.'[2] There were instructions never to exceed the bounds of moderation, never to imitate the lawlessness of the Canadians, always to assume the Charter-rights of the Company; but the North-westers, who had been trained under the sagacious management of William McGillivray, were scarcely to be prevented by

[1] 'This expedition must be considered as of peculiar importance, and we shall be disposed to estimate its success by a very different standard than a bare comparison of the expense incurred with the value of returns received. If in this instance the violence of the Can.'s be effectually repressed, they will learn to respect the H. B. Co., and alter their tone throughout the whole of their establishments. On the other hand, if they should succeed in frustrating the object of the expedition you may expect a double portion of violence whenever you meet them.' H. B. instructions to Auld, June 18th, 1812, *Selkirk Papers*, ii. 382.

[2] 'And his people as the police officers or *posse comitatus* called out to protect a market from rioters.' *Selkirk Papers*, ii. 385.

'moderate means' from cutting down spruce and oak for their trading-posts;[1] and few 'magistrates' in Assiniboia would have ventured to seize their nets 'as you would in England those of a Poacher'.[2] Selkirk was fully convinced of the 'unimpeachable validity of these rights of property',[3] and he intended, moreover, to follow the advance-guard in person with an overwhelming force;[4] but the instructions to Hillier occasioned considerable surprise among the dominant partners of the North-West Company. Even the old servants of the Hudson's Bay Company looked with amazement upon anything like general aggression against the North-westers, and hinted at the value of 'experience' and the 'aid of the Legislature to support the Company's property'.

With regard to the settlement, Selkirk's influence was paramount. Success turned upon the struggle for domination over 'the land' in Assiniboia. Whatever his concern for the settlement, Selkirk had seen with precision that everything he valued was staked upon the stability of the Company. The grant was founded upon the Charter; the validity of the Charter was a matter of law; and it was Selkirk's judgement upon this legal problem that decided the whole trend of operations in both Company and settlement. As early as 1810 it was clear that nothing could be relied upon from popular or legislative support. In Great Britain there was a prejudice against monopolies, amounting almost to a passion. The Hudson's Bay Company in particular was far from popular, even on the testimony of its most ardent supporters. In 1740 an attack had been made upon the Charter by Dobbs and a company of British merchants. Even after sixty years of silence and cautious activity, the clamour had scarcely been com-

[1] Instructions to Hillier, June 18, 1812, *Selkirk Papers*, ii. 407.

[2] Ibid., p. 408.

[3] 'We are so fully advised of the unimpeachable validity of these rights of property, that there can be no scruple in enforcing them wherever you have the physical means.' Ibid.

[4] 'I have serious thoughts of paying you a visit next year, at the head of such a body of men as will overawe any attempt to resist the lawful authority of the Company. For that purpose I must bring out not less than 4 or 500 men, with whom it will be my object to proceed like Mr. Kevny (*sic*) directly to the Settlement.' Instructions to Auld, June 18, 1812, *Selkirk Papers*, ii. 401.

posed or forgotten. Opinion against the validity of the Charter in more than one particular had been expressed with no covert hesitation. Parliament could scarcely be expected to give the Company anew what the Company claimed to be their own already, and loss of which could be charged to nothing but the Company's own impotence. It would have stultified the pretensions of a century to seek a right to claim more than they actually possessed, when such a course would have been an admission of inability to hold what they claimed already. Whatever the original validity of the Charter, the most implacable enemy of the Company could have desired no stronger evidence of *non user*. 'It is altogether visionary', Selkirk wrote bluntly to Auld, 'to look for the aid of the Legislature to support the Company's property and I am surprised that after all the explanation which was given you can still harp on that idea.'[1]

But if petition to Parliament was rashly impolitic, decision before a legal tribunal at the direct motion of the Hudson's Bay Company seemed quite impossible. Breach of territorial rights was a civil trespass. The Privy Council could take no cognizance of such an offence in the first instance, and the courts of common law at Westminster had no jurisdiction over civil trespass in colonial territory. For the Hudson's Bay Company, therefore, there seemed to be no appeal except from their own jurisdiction, and nothing to be obtained by an appeal except a decision upon the rights of the Charter in the light of an implied admission that the Company was unable to enforce the rights they actually claimed to exercise. There was no choice but to proceed cautiously with their own jurisdiction, thus affording to a second party the fullest opportunity of subjecting the whole problem to legal decision by an appeal to the Privy Council. Such, it is to be noticed, was the method adopted at a later date by the Colonial Secretary for the determination of the Company's rights.[2] Of this oppor-

[1] Instructions to Auld, June 18, 1812, *Selkirk Papers*, ii. 401.

[2] 'Steps having been taken ... to obtain from the Hudson's Bay Company a statement of its claims, that statement was duly submitted to Her Majesty's Law Advisers, and Her Majesty's Government received from them a report that the claims of the Company were well founded. It was observed in

tunity the North-West Company declined from the first to avail themselves. They held the field by force already. Why risk a substance in pursuit of a shadow? Selkirk was avowedly fearless of legal decision, but conflict seemed inevitable. 'We have a sufficient basis of unquestionable legal rights,' he wrote, 'if we had physical strength to enforce them for ourselves.'[1] Nothing could have been further from Selkirk's own interests than an appeal to force to establish an artificial fur-trading monopoly. At the same time nothing was capable of vindicating his 'right to the land' in Assiniboia but a reserve of force to maintain what would otherwise be irrevocably lost. Adequate self-defence was the *sine qua non* of the Company's title. So much the more was it 'absolutely necessary' for his own grant and for the establishment of the settlement.

It was under this necessity that Hillier was directed to 'teach the messieurs voyageurs to keep a respectable distance'.[2] Macdonell found himself equipped with swivels, small brass pieces, and small arms for his men.[3] There were instructions for keeping guard on the route to the settlement; for establishing the forms of a regular garrison when the *esprit de corps* of the men could be relied upon; for 'military evolutions' and weekly exercises for firing at a mark.[4] It may be imagined

that report that, with a view to the fuller satisfaction of The House of Commons, and the parties interested, it would be advisable to refer the inquiry to a competent tribunal, and that the proper method of raising a discussion on it would be for some person to address a Petition to Her Majesty, which Petition might then be referred either to the Judicial Committee, or the Committee of Privy Council for Trade and Foreign Plantations.

Such a Petition was, therefore, essential to the complete prosecution of the inquiry; Lord Grey accordingly gave to certain parties in this country, who had . . . questioned the validity of the Company's Charter, an opportunity to prefer the necessary Petition if they were so disposed; but, for reasons which it is unnecessary to repeat, they respectively declined to do so. Lord Grey having, therefore, on behalf of Her Majesty's Government, adopted the most effectual means open to him . . . has been obliged . . . to assume the opinion of the Law Officers of the Crown in their favour to be well-founded.' B. Hawes to John Pelly, June 6, 1850. *Papers Relating to the Hudson's Bay Company*, 1850, p. 15.

[1] *Selkirk Papers*, ii. 401.

[2] Instructions to Hillier, June 18, 1812, *Selkirk Papers*, ii. 407.

[3] Instructions to Auld, June 18, 1812, *Selkirk Papers*, ii. 395. During the spring of 1813 four brass six-pounders, four three-pounders, and two hundred muskets were obtained from the Government for the defence of the settlement. *Selkirk Papers*, ii. 669.

[4] Instructions to Macdonell, 1811, *Selkirk Papers*, i. 169.

that Macdonell required no encouragement to maintain a military bearing. Selkirk, in fact, who had detected at the beginning a strain of the *miles gloriosus* in his lieutenant,[1] emphasized the value of caution. He was the first to deplore the evidences of 'erroneous impressions' in Macdonell's treatment of the 'insurgents' during the winter.[2] He had even reproved Macdonell's zeal for the settlement when it showed signs of proving destructive to the trade of the Company. Despite discipline and preparations for self-defence the settlement was not to be a barracks nor the 'Governor' a military despot.[3] It was a fatal misfortune that colonization, which depended upon peace and required only peace for its prosperity, should have been linked to a Company which had no resources but their own exertions to maintain what they conceived to be their legitimate rights. Selkirk was feeling his way cautiously towards the exercise of a jurisdiction free from the danger of Canadian interference and in direct dependence upon the courts at Westminster.[4]

An early requisite, however, was to secure families with permanent interests in the land. The second party of servants with a few permanent settlers was recruited chiefly from the west of Ireland and the Hebrides. Selkirk was in Sligo in June, 1812, exercising a personal supervision over the men chosen for the settlement and drawing up instructions for

[1] Selkirk to Macdonell, April 12, 1814, *Selkirk Papers*, iii. 1044.

[2] Selkirk to Colville, June 5, 1813, *Selkirk Papers*, ii. 646.

[3] Selkirk to Macdonell, June 14, 1813, *Selkirk Papers*, ii. 682. 'Your suggestion as to a military Government is liable to difficulties of which you cannot well be aware.' Selkirk to Macdonell, *Selkirk Papers*, ii. 670. Cf. instructions for a Council and trial by jury, ibid., p. 673.

[4] Selkirk to Macdonell, June 13, 1813: 'The leading and essential point on which the best opinions seem to be united, is that the grant of Jurisdiction contained in the Charter is valid with only a few points of exception, and that it is not affected by the Act 43 Geo. III. called the Canada Act . . . but it is not probable that this can be allowed long to continue so, unless the Co. proceed to exercise the Jurisdiction legally vested in them. . . . On the other hand, if they should exercise their jurisdiction in a violent and invidious manner . . . it is probable that these rights would be directly abrogated by Act of Parliament. On this account particular caution is requisite. . . . Means will be found of bringing our legal rights to a fair trial before the supreme Tribunal in England. . . . It would not yet be advisable to attempt forcibly to dispossess the N. W. Company of the posts which they occupy. The only point at present to be attended to is that they be not allowed to acquire any prescriptive right.' *Selkirk Papers*, 670 et seq.

those who had already gone. The leader of the expedition was Owen Keveny, a harsh disciplinarian, but a man of 'steadiness, activity, and integrity'.[1] Mr. Holmes, 'an ingenious young gentleman', made plates to illustrate the account of the voyage from the pen of the surgeon McKeevor.[2] On June 24th, Selkirk dined on shipboard with the officers of the party, and accompanied the settlers as they sailed out of Sligo Bay. At six o'clock in the evening the captain put to sea.

Despite the early departure, the voyage proved to be as long as the belated passage of the preceding year. Keveny's iron discipline became a byword among the old servants of the Company; but he had no easy task to subdue the 'turbulent and unruly spirit which prevailed among the Irish servants'.[3] When the Straits were reached there were days of casual traffic with the Esquimaux, and of visiting and good-fellowship among the passengers, while the ships threaded their way through the ice-floes. McKeevor relates how the 'raw-boned athletic' highland piper paced the deck, and how the pibroch suddenly filled the Scottish settlers with the 'lofty unbending pride' of their race.[4] The last days of the voyage were passed in a furious storm, and it was not till August 26 that a schooner put out to meet the ships with fresh provisions from York Factory.[5] The passengers for Red River[6] left for the interior on September 7, 8, and 9, in eleven boats and three canoes. On October 27th they reached the Forks, where Macdonell had been making preparations to receive them.

Little of vital interest survives from this prosaic work of

[1] Selkirk to Macdonell, June 20, 1812, *Selkirk Papers*, ii. 713.

[2] *A Voyage to Hudson's Bay during the Summer of 1812, containing a particular Account of the Icebergs and other Phenomena which Present themselves in those Regions; also a Description of the Esquimaux and North American Indians: their Manners, Customs, Dress, Language, &c., &c., &c., by Thomas McKeevor, M.D., of the Dublin Lying-in Hospital.* London, 1819.

[3] Selkirk to Keveny, June 15, 1813, *Selkirk Papers*, ii. 698.

[4] *A Voyage to Hudson's Bay during the Summer of 1812*, p. 3.

[5] Owen Keveny reported to Selkirk that the passage had taken 61 days, reckoning, no doubt, from the morning after Selkirk had dined on shipboard to the first communication with York Factory. Keveny to Selkirk, York Fort, Sept. 8, *Selkirk Papers*, ii. 450.

[6] Seventy-one men, women, and children. Keveny's *Return*, *Selkirk Papers*, 560.

pioneer settlement; and much of Selkirk's practical wisdom at this stage of his enterprise is easily overlooked in the stress of larger issues. It was a wise precaution, for instance, to send the band of 1811 in his own personal employment to prepare the way for families of permanent settlers, and to hasten 'that local attachment which the feeling of property will lead to'.[1] The tentative arrangements for schools and roads and the introduction of Spanish sheep were lost to sight in the subsequent conflict with the North-West Company. Hitherto the settlement had been conducted not without a laudable respect for the obvious and the commonplace. There were few delusions about the country except such as arose from the lugubrious stories circulated by the North-westers. There was no 'Utopian delirium'. There might have been a different issue had Selkirk found it possible to accompany the expedition in person, as he had intended. The weight of his personal influence might have prevented the petty misunderstandings that made, for ten years, in the direction of controversy and disintegration.

[1] Selkirk to Macdonell, June 20, 1812, *Selkirk Papers*, iii. 726.

CHAPTER IV

'ARTIFICES AND MACHINATIONS'

FORT DAER, as Macdonell called the post which he had chosen for the winter encampment, was nearer than the Forks to the pasture-grounds of the buffalo, but it was in dangerous proximity to the listlessness of the Hudson's Bay post, and to the veiled hostility of the North-westers[1] stationed on the other side of the river. All three posts were within a radius of a quarter of a mile. The experience of the preceding winter proved of much value in the erection of log-houses for the settlers, and 'hangards' for the stores; but the autumn began under many discouragements. Winter wheat at the Forks was sown so late in the season that the first harvest proved a dismal failure. The half-breed hunters were expert in securing the buffalo on the plains, but the settlers in drawing the meat to the settlement suffered severely from frost and from inexperience with snowshoes and sledges.[2] One or two belated parties lost their way on the plains, and were driven to kill their draught dogs or apply to some passing North-westers for provisions.[3] As the winter wore on, moreover,

[1] The N.-W. Co. fort at Pembina 'had been abandoned two years before,' but 'was re-established,' according to the deposition of John Pritchard, 'for the purpose of opposing the colony in the purchase of provisions.' *Papers Relating to the Red River Settlement*, 1819, p. 153.

[2] Macdonell's account of the winter in his letter to Selkirk, July 18, 1813, *Selkirk Papers*, ii. 764–793.

[3] From Macdonell's account, it appears that the winter was mild, the plains had been burnt over by prairie fires, and the herds of buffalo were even at a greater distance than usual. 'Provisions were therefore unusually scarce.'

Edwards, the surgeon, wrote to Selkirk, 'It is well known to every individual who wintered in the Red River in 1812 that the scarcity of provisions was great indeed, some of the men having been obliged to eat dogs' flesh and others to dispose of their property for food to the servants of the N.-W. Co.' Edwards, however, was by no means on good terms with Macdonell; and the incident of the dog occurred when a party, sent for provisions, found that the 'carcases' which had been 'staged' for them by the hunters had been devoured by wolves. *Selkirk Papers*, ii. 770.

relations became strained between Macdonell and his neighbours across the river. From the first season of contact between the settlement and the North-West Company, evidence is not far to seek of the acrimony which led finally to open feud between the two companies.

The chief North-West trader at Pembina was Alexander Macdonell, cousin and brother-in-law of the 'Governor'. The kinsmen appear to have begun the winter on good terms, but before the arrival of spring there were open accusations against the North-wester of 'insidious and treacherous conduct during the winter in endeavouring to swerve my people from their duty'.[1] 'I have been interfered with', Macdonell wrote bitterly to Selkirk, 'and opposed on all sides—the N.-W. Co. tampered with my people . . . even some in the employ of the H. B. Co. acted with more hostility than friendship. My situation all last winter was uncomfortable in the extreme.'[2] One man deserted to the North-West Company, was taken down in the spring canoes as far as Lake Superior, but was sent back because the partners at Fort William did not think it prudent at that time to sanction such proceedings.[3] Another made deposition that Alexander Macdonell had tried to lure him away from the settlement.[4] Nor was the opposition either

In the controversy which arose later, the North-westers did not hesitate to describe their services during the winter of 1812 in very exaggerated terms. 'They would have perished for want of food', Wm. McGillivray wrote to F. P. Robinson, 'but for the assistance . . . from the North-West company's trading-posts in their vicinity' (*Papers Rel. to R.R.S.* p. 24). Cf. also Simon McGillivray to Bathurst, June 19, 1815, Can. Arch., Q. 134–2, p. 373. It is difficult to say how much was policy, how much philanthropy, and how much keen business. A bull, cow, and heifer were procured from the North-westers, at the price of £100. *Selkirk Papers*, ii. 784.

[1] Macdonell to Alex. Macdonell, Apr. 18, 1813, *Selkirk Papers*, iii. 593.

[2] Macdonell to Selkirk, July 17, 1813, *Selkirk Papers*, iii. 777.

[3] Macdonell to Auld, Feb. 4, 1814, *Selkirk Papers*, iii. 957. Daniel McKenzie in the letter to Selkirk, a copy of which was proved before Coltman the Commissioner (Deposition 280), states that 'Mr. William McGillivray found much fault therewith, on the principle that the colony ought to be disorganized on a more general scale.' *Papers Rel. to R.R.S.*, 1819, p. 160.

[4] Hector MacDonald, *Selkirk Papers*, ii. 585. This appears to have been the first of the countless depositions that were drawn up in the course of the long quarrel between the Hudson's Bay and the North-West Companies.

personal or local. As early as June 1, 1811, before the first expedition had left Stornoway, Simon McGillivray, it will be remembered, had written to his brother's firm in Montreal of a meeting with Sir Alexander Mackenzie and Mr. Ellice; and of their 'unanimous opinion that you should immediately on receipt of this dispatch an express to the interior to prepare your people for a year of trial.' 'We forbear', he added, 'to suggest the particular details of this opposition.'[1] 'It will require some time,' he wrote to the winter partners in the following April, 'and I fear cause much expence to us as well as to himself, before he is driven to abandon the project; and yet *he must be driven to abandon it*, for his success would strike at the very existence of our Trade.'[2] There can be little doubt of the attitude of the North-westers from the beginning.[3]

In addition to North-West opposition, which was to be expected, there can be no doubt that Macdonell was being systematically opposed by many of the most influential Hudson's Bay traders in the country. Through the treachery of a clerk, a rough draught of Macdonell's letter to Selkirk, of July 1812, describing somewhat frankly the conditions of life at York Factory, had fallen into the hands of the Superintendent.[4] Auld took an early opportunity of expressing surprise at Macdonell's 'hurry in showing his authority', and refused to take him into his confidence because he professed to consider him 'too intimate with the Canadians to be trusted with anything of the sort'.[5] Auld's letters to Selkirk and to Wedderburn took the form of diatribes against Macdonell's

[1] June 1, 1811, *Correspondence*, vol. i, p. 25.

[2] Simon McGillivray to N.-W. partners, Apr. 7, 1812, *Selkirk Papers*, 9109. 'We are perfectly aware', they replied, 'of the trouble you have taken since the commencement of the Earl of Selkirk's connexion with the Hudson's Bay Company to frustrate his attempts in procuring hands from the Highlands.' Winter partners, N.-W. Co., to McGillivray, Fort William, July 17, 1812, *Selkirk Papers*, 8630.

[3] Cf. *Selkirk Papers*, iii. 771; John McLeod to Hillier, Feb. 17, 1813, *Selkirk Papers*, ii. 581, &c., &c.

[4] Auld to Wedderburn, Sept. 10, 1813, *Selkirk Papers*, iii. 852. Selkirk to Macdonell, April 12, 1814, *Selkirk Papers*, iii. 1047.

[5] Auld to Hillier, Jan, 29, 1813, *Selkirk Papers*, ii. 576.

imprudence and lack of conciliating manners; there was enough of truth in the charges to poison a mind less generous than Selkirk's to the faults of his agent, or less sensible of his difficulties.[1] Even Keveny appeared to Macdonell 'distant and reserved'.[2] The general letters to Macdonell which Selkirk had sent by the Hudson's Bay ships during the summer of 1813, were opened by Auld and his confederates at the coast; while a private letter which Selkirk had sent with directions to be returned in case of Macdonell's death, was detained and sent back to Selkirk 'in consideration of the worse than mortal incapacity of that person'.[3] Selkirk's resentment was speedy and effective.[4] Whatever Macdonell's fault in judgement or temperament, his position was not an enviable one. Selkirk gave him all the encouragement and support in his power;[5] placed him on his guard against the intrigues of the Hudson's Bay traders, and urged him with all kindness to take 'suaviter in modo' for his motto and to strive towards conciliation. In the spring, after the departure of one or two of the most discontented spirits, there was more hopefulness and concord in the settlement. The vegetation along the river bank sprang into life with wonderful speed and luxuriance. About the

[1] 'You will find I am little inclined to admire Cn. McD.. management. To me he seems not possessed of those arts of conciliation which his situation so peculiarly requires. . . . He knows not how to attach hired tho' may command military servants.' Auld to Selkirk, Sept. 12, 1812, *Selkirk Papers*, ii. 499. Cf. Auld to Selkirk, Hillier, Wedderburn and others: 'shameless misrepresentations'; 'foolish and unprincipled management'; 'imprudence in thus giving vent to such silly feelings'; 'I assert without fear of contradiction from a human creature in this country that if Lord Selkirk had advertised for a fool of the first magnitude he never could have better succeeded than he has done with the present man'; 'standing alone like the Poison tree, despised and shunned by every creature'; 'he is not since his first arrival to the present moment accused of having done even by mistake one single thing right', &c. *Selkirk Papers*, ii. 850, 852, 856, &c., &c.

[2] Macdonell to Selkirk, July, 17, 1813, *Selkirk Papers*, iii. 772.

[3] Auld's letter, York Factory, Sept. 26, 1813, *Selkirk Papers*, iii. 836.

[4] 'One of the letters which I had sent to you last autumn was kept back and returned to me by Mr. Auld for reasons too impertinent and absurd for the most petulant schoolboy.' Selkirk to Macdonell, April 12, 1814, *Selkirk Papers*, iii. 1,057. Auld was promptly dismissed.

[5] See *Selkirk Papers*, ii. 647: 'You may say "go on as you have done hitherto"—but there is no such rule for MacDonell, who is in a Situation altogether new.' Selkirk to 'Andrew' (Colvile), June, 1813.

prolific fertility of the country there could be no question. The settlers returned to the Forks early in May, took up rough lots of land as much as each could break[1] and began to sow their seed. 'The Country', wrote Macdonell, 'exceeds any idea I had formed of its goodness.' The experience of the two winters, however, had been far from pleasant. 'It is not in my power', he continued, 'to describe to your Lordship all that I suffered last winter from the mean artifices and machinations of those by whom I was surrounded.'[2]

Meanwhile a third band of settlers was being brought together in the highlands. The general introduction of sheep-farming was leading to the widespread eviction of the smaller tenantry. In two parishes in Sutherlandshire[3] a single sheep farm had displaced a hundred agricultural tenants, with all the distress that had attended the early enclosures in England, except that European war and inflated prices now mitigated to some extent the evils of general unemployment and of too sudden a change. The British Army had long drawn recruits from Sutherlandshire from among the best of the tenant-farmers,[4] but during 1812 and the spring of 1813 evictions became so general that distress was almost everywhere prevalent. For a time there was something like a general uprising and a few serious riots. The Sutherland tenantry sent a deputation to London, to seek from Government some alleviation from unemployment and destitution. There was no power in the Home Office against the forces of economic change; the deputation was about to turn back in despair when Selkirk took up their case with enthusiasm. 'They determined on emigrating all in a body.' They were 'a fine race of men', Selkirk wrote to Macdonell. 'I feel quite as much interest in their success as if they were in my own immediate employment.'[5] Applications came in from 700 souls.[6] Word had come from York Factory, however, of the paucity of boats for

[1] Regular lots of 100 acres, with four acre frontage on the river, were laid out during the summer. *Selkirk Papers*, ii. 787.
[2] Macdonell to Selkirk, July 17, 1813, *Selkirk Papers*, ii. 771.
[3] Clyne and Kildonan. Selkirk to Macdonell, June 12, 1813, *Selkirk Papers*, ii. 650.
[4] Selkirk to Macdonell, June 12, 1813, *Selkirk Papers*, ii. 651.
[5] *Selkirk Papers*, ii. 652–653. [6] *Selkirk Papers*, ii. 661.

the inland voyage. Nails were to be made on the spot, 'one for a penny'. The boatbuilders, wrote Auld, could scarcely hope to have ten boats ready for the river before the first frost.[1] Less than a hundred settlers could be taken, and Selkirk was compelled to postpone for yet another season his project of going to Hudson's Bay in person at the head of such a body of men as would have established the predominance of the settlement beyond a question.[2]

At Stromness were gathered the colonists who had come by sea from Helmsdale, Hudson's Bay clerks from the Orkneys, colonists and labourers from Ireland,[3] and a few Moravian missionaries bound for the bleak shores of Labrador. There was still some unpleasantness with hostile officials that recalled the unfortunate leave-taking of 1811. The attitude of the 'Transport Board' was far from friendly. In McLean, the secretary, a Caithness man, Selkirk detected an enemy, and the cause of most of the mischief.[4] Douglas, another member of the board, was found to be a 'waspish captious' official who 'delights in doing an ill-natured thing'. The townsfolk 'laid a heavy hand on our purses', writes Gunn; but 'they repaid us to some extent by many kind words and friendly attention'.[5] The colonists embarked on the *Prince of Wales*; the servants of the Company on the *Eddystone*. There was renewed trouble from officials,[6] but on June 28, 1813, the ships put to sea, under convoy of a sloop-of-war.

The passage proved to be one of the shortest on record. Traffic began as usual with the Esquimaux when the *Eddystone* reached the Straits; but when the *Prince of Wales* rejoined the other ships after the Atlantic voyage it was found

[1] Auld to Selkirk, Sept. 12, 1812, *Selkirk Papers*, ii. 488.

[2] *Selkirk Papers*, ii. 650. Probably the best account of the Sutherland emigration is found in *History of Manitoba*, by Donald Gunn and C. R. Tuttle. Winnipeg, 1880. Gunn was one of the Hudson's Bay servants who came to Red River in 1813.

[3] Only eight in number. *Selkirk Papers*, ii. 659.

[4] Selkirk to Andrew (Colvile), Thurso, June 5, 1813, *Selkirk Papers*, 546.

[5] *History of Manitoba*, Gunn and Tuttle, p. 92.

[6] Cf. also Simon McGillivray to N.-W. partners: 'I have reason to hope that the "Highlander's" letters will in a great measure prevent him from getting servants or emigrants from the Highlands of Scotland.' *Correspondence*, vol. i, p. 28.

that typhoid fever had broken out among the colonists for the first time in the history of the Hudson's Bay trade. Idleness, confinement, and congested quarters proved fatal. The surgeon, Laserre, a Guernsey man and a relative of General Brock,[1] was among the first to succumb. The disease then spread rapidly to the passengers and crew. The victims[2] were buried at sea; and even when the ships came to anchor thirty of the survivors were ill and helpless. Four of the crew were dead, eight were disabled. Scarcely less fatal than disease was the blundering mismanagement of the skipper. The ships had hardly reached the open waters of Hudson's Bay when Captain Turner steered westward to Fort Churchill and threw the colonists and their stores ashore to the mercies of disease and a Hudson Bay winter. What explanation was given to the directorate it seems impossible to surmise. Selkirk had directed the expedition to York Factory; the settlers expected to receive their goods for the winter from the stores at Red River; even at York Factory the settlers, wrote Selkirk, 'have no right to expect any species of supply.'[3] But Fort Churchill was the nearest post, and Captain Turner's mission was to return as soon as possible to England. The excuse was too 'frivolous'. 'I hope', wrote Macdonell from York Factory, 'he will be made to smart severely for his brutal stubbornness.'[4] Auld hastened to Churchill, ordered the settlers on board again, and bade Turner sail to York Factory, but the captain ran his ship aground at the harbour mouth. A storm came up, and though the ship was floated at flood tide, at Churchill she remained till the voyage southward to York Factory was no longer possible. Even as late as September 19, Keveny appeared on the scene after a journey

[1] Selkirk to Macdonell, June 12, 1813, *Selkirk Papers*, ii. 657.

[2] There were twelve casualties by fever on the voyage and at Fort Churchill. Macdonell to Selkirk, Sept. 9, 1814, *Selkirk Papers*, iv. 1215.

[3] Selkirk to Macdonell, June 16, 1813, *Selkirk Papers*, ii. 703.

[4] Macdonell to Selkirk, Sept. 7, 1813, *Selkirk Papers*, iii. 823. 'Had Captain Turner put in here (York Factory) instead of going to Churchill, the sick should have had immediate relief in abundance of fresh provisions and all of you would have reached in good time the place of your destination.' Macdonell to Arch. McDonald, Sept. 7, 1813, copied in McDonald's letter to Selkirk, May 22, 1814, *Selkirk Papers*, iv. 1092.

of the utmost peril from privation and exposure.[1] There was yet time to get the settlers inland as far as 'the Rock'[2] for their winter quarters; but the colonists were worn out with fever, and Turner was stupid and inexorable. The Hudson's Bay servants struggled southward to York Factory by land and water, through marshes and over sandhills, with scanty provisions and under the leadership of a guide who did not know the way.[3] All the settlers, in sickness and in health together, made what preparations they could for passing the winter at Fort Churchill. 'What will become of these miserable people and ourselves', wrote Auld, 'the God in heaven alone can know.'[4]

Auld's pity, however, was little better than his piety. One traces a systematic attempt to isolate Macdonell, to obtain his recall or to supplant him at Red River, to disparage the colonists and the colony, and to revert again to the golden age of licence and 'nest-feathering' before Selkirk's influence was felt at the council board.[5] Ready instruments were not wanting. McRae, who had shown Macdonell's letter to Auld, continued to cause the utmost annoyance to Macdonell during the winter: Auld complained to Wedderburn that the young man was 'not even trusted with the stores'.[6] Keveny had been swept into acquiescence in the scheme for sending Macdonell's confidential instructions back to Selkirk:[7] Keveny, wrote Auld, was 'worth as many Arch'd McDonalds as will stand between here and Cape Horn'.[8] Of the colonists, and their young leader in particular, no description could be too scathing or too virulent: the settlers were 'civilized

[1] Keveny to Macdonell, Sept. 26, 1813, *Selkirk Papers*, iii. 886.

[2] Selkirk had sent instructions for the establishment of a post at 'the Rock', on the Hill River, about a third of the distance from York Factory to Lake Winnipeg. *Selkirk Papers*, iii. 886.

[3] *Manitoba*, Gunn and Tuttle, pp. 97 and 98.

[4] Auld to Wedderburn, Sept. 10, 1813, *Selkirk Papers*, ii. 848.

[5] *Selkirk Papers*, ii. 576, 512; iii. 850 et seq., &c., &c. Auld speaks of the surgeon 'having no objection to remain a year or two more if his services were wanted and Captain Macdonell removed.' Sept. 26, 1813, *Selkirk Papers*, iii. 836. Cf. also the episode of letters from Selkirk in *Selkirk Papers*, iii. 836 et seq., 871, &c. See also pp. 56, 75, &c.

[6] Auld to Wedderburn, Sept. 10, 1813, *Selkirk Papers*, ii. 850.

[7] See p. 56.

[8] Auld to Wedderburn, Sept. 10, 1813, *Selkirk Papers*, ii. 849.

Caffres', 'savages from Scotland', 'miserably ineffective';[1] Archibald McDonald was a 'stupid fellow' of 'pride and folly', 'utterly unfit for managing men';[2] Captain Macdonell, was 'a prince of fools', 'a man of foolish and unprincipled management', who could not be 'accused of having done even by mistake one single thing right'.[3] The superintendent at Hudson Bay was not in sympathy with Selkirk's enterprise.

The winter at Fort Churchill was by no means as disastrous as Auld had pretended to expect, but there was enough of truth in his invective to give some effect to his malice. Selkirk had given strict instructions to treat the colonists with every consideration. Keveny, versed in the management of his unruly Irishmen, had little patience with the sensitive pride and religious scruples of these staid Presbyterians who refused to work on Sunday. He concluded with some astonishment that his lordship's methods had changed since the spring of 1812.[4] Worn out as they were with fever and with watching, the settlers retreated fifteen miles up the Churchill to a sheltered well-wooded bank of the river. Here with axe and spade, rough log-houses were built for the winter. 'The settlers themselves', wrote McDonald, 'were by no means bad hands, and were all willing.'[5] Their quarters were completed by October 16, but nearly another month passed before security was felt against disease and privation. The fever had claimed two victims even after the sailing of the ships from Fort Churchill;[6] and Captain Turner's mismanagement had culminated in the swamping of a large boatload of

[1] Auld to Macdonell, March 13, 1814; the same to Hillier, Sept. 25, 1813; Sept. 26, 1813; *Selkirk Papers*, iii. 975, 876, 837.

[2] *Selkirk Papers*, iii. 847. Cf. iii. 837, 839, 845, &c.

[3] *Selkirk Papers*, iii. 851; ii. 512; iii. 856.

[4] 'Lord S's opinion seems to be much altered with respect to the necessity of strict discipline, and subordination amongst the people.' Keveny to Macdonell, Sept. 26, 1813, *Selkirk Papers*, iii. 891.

[5] 'Only the very great aversion they had to work on Sundays.' *Selkirk Papers*, iii. 1096.

[6] McDonald to Selkirk, May 22, 1814, *Selkirk Papers*, ii. 1091. McDonald speaks of a previous letter to Selkirk with full particulars of the voyage, lists of casualties, &c., but it does not appear among the *Selkirk Papers*.

stores and provisions which had been consigned by that dignitary to a drunken cox. Oatmeal and antiscorbutics were to be secured only by journeys of thirty miles by sledge and snowshoes to the factory stores. Early in November, however, partridges appeared in such numbers in the neighbourhood that fresh provisions were never again wanting. One or two unfortunate incidents occurred during the winter, a passing quarrel between McDonald and the surgeon,[1] and the burning of a factory house at Churchill which the superintendent promptly attributed to the settlers.[2] Auld even suggested with plausible logic that Selkirk should be debited in the Company's books for the partridges used by the settlers at their encampment during the winter; were not a dozen partridges at Fort Churchill equivalent to a piece of English beef?[3] Thus the winter passed; with many discomforts but no fatal privations. By the end of March a party of settlers was ready, with sledges, moccasins, and snowshoes, for the overland journey to York Factory.

On April 6th, twenty-one men and twenty women of the settlers, with guides from York Factory, and a few hunters, all on snowshoes, left 'Colony Creek', drawing stores and provisions on rough sledges, camping at nightfall and moving forward with the first dawn of the northern morning. A gunshot at three o'clock aroused the camp to breakfast. An hour later packs had been made and the guide stepped from the officers' quarters.[4] The strongest of the party went ahead with the sledges to beat the trail for the women. Midway through the long procession marched the highland piper. One or two of the sturdiest settlers brought up the rear to prevent straggling and to assist the weary. McDonald describes how

[1] A. Edwards, whom Auld and Keveny had left in charge of the encampment.

[2] Auld writes of the 'carelessness of a party of your settlers at Churchhill to which is owing the fatal destruction of that Factory on the 25th November last'. Auld to Macdonell, *Selkirk Papers*, iii. 975. McDonald defends the settlers, *Selkirk Papers*, iv. 1191. See also Gunn's *Manitoba*, p. 102.

[3] Auld to Macdonell, May 11, 1814, *Selkirk Papers*, iii. 1080.

[4] 'I have to do the whole of the party that justice that I never knew a single instance of one individual of them keeping behind after the last gun was put off.' *Selkirk Papers*, iv. 1110.

one of the settlers was seized with 'cramp' from the long swinging stride on the snowshoes, and how the party paused to build a fire, brew a concoction of hot spruce and bathe the limb till the settler could go on.[1] By April 15, several others of the party, from 'cramp' or weariness, could no longer keep the pace. The main body moved on, leaving five of the settlers, a young Indian guide, and an old hunter from Fort Churchill, with provisions for ten days, to follow when they could.[2] The next day's march brought them to supplies of partridges 'staged' by the York Factory hunters. Relief was sent back to the party in the rear, while McDonald pushed on with all speed to the Hayes. Here on the river bank, two miles from York Factory, the settlers marched into camp in the same order in which they had left Colony Creek on the Churchill.

The journey to the settlement when the ice ran out in the river was accomplished in less than thirty days.[3] Those who had remained at 'Colony Creek' in April found their way to York Factory by sea and to the settlement in August. It was June 21, when McDonald with his party of fifty-one appeared at the bend of the river below Fort Douglas. 'By this time', he writes, 'everything was settled and the N.-W. Co. Proprietors were just taking their departure.'[4] The 'Churchill settlers' reached the Forks at the close of the first act in what was to be a long tragedy. During the preceding winter the settlement on the Red River and the North-West Company had come for the first time into open conflict. On January 8, Macdonell had issued his proclamation, asserting Selkirk's title to the land, and prohibiting, for a twelvemonth, the export of pemmican[5] from the famous hunting-grounds of Assiniboia.

[1] *Selkirk Papers*, iv. 1108.

[2] With Angus MacKay and his wife remained his brother and sister-in-law, and Charles McBeath, the sufferer from 'cramp' shortly after the journey began. McDonald to Selkirk, May 22, 1814, *Selkirk Papers*, iv. 1112.

[3] The settlers had left York Factory May 23. *Selkirk Papers*, iv. 1144.

[4] McDonald to Selkirk, July 24, 1814, *Selkirk Papers*, iv. 1170.

[5] The modern spelling has been used except in cases of quotation.

CHAPTER V

'THE PEMICAN WAR'[1]

FROM the standpoint of the Red River Settlement the quarrel with the North-West Company was founded upon at least two considerations, both of which involved inevitably a conflict of principles. Selkirk believed implicitly in his title to the land. His first step had been to consult some of the best legal advice in England. 'With respect to our rights of landed property,' wrote Selkirk, 'these are universally considered as clear and indisputable.'[2] His correspondence throughout is charged with evidence of this signal reliance. He wrote of the 'lawful authority of the Company',[3] 'the rights to which they are legally entitled',[4] privileges 'that are essential to property in land',[5] 'the intrusive possession (of the North-West Company) upon my lands',[6] the 'unimpeachable validity of these rights of property'.[7] Never during his life did Selkirk belie this confidence with doubt or uncertainty. The whole scheme of colonization, his private fortune, the closing work of his life, were staked upon the soundness of this issue. Even Sir Alexander Mackenzie and the North-westers, who protested at the General Court of 1811, virtually admitted the possible validity of such a grant when they advocated the sale of Assiniboia by public auction and credited Selkirk with the selfish motive of acquiring 'an immensely valuable landed estate' for his family.[8] 'I have

[1] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, 1194.
[2] Selkirk to Macdonell, June 5, 1813, *Selkirk Papers*, ii. 637.
[3] Selkirk to Auld, June 18, 1812, *Selkirk Papers*, ii. 401.
[4] Selkirk to the N.-W. Co., Dec. 23, 1815, *Selkirk Papers*, i. 247.
[5] Selkirk MS. for a revised edition of the *Sketch of the Fur Trade*, *Selkirk Papers*, 10267.
[6] Selkirk to Semple and Robertson, Dec. 18, 1815, *Selkirk Papers*, 1895-6.
[7] Instructions to Hillier, June 18, 1812, *Selkirk Papers*, ii. 408.
[8] *A Narrative of Occurrences in the Indian Countries of North America since the Connexion of the Right Hon. the Earl of Selkirk with the Hud-*

taken the opinion of every lawyer', said Edward Ellice before the Select Committee of 1857, 'against the company when I was opposed to them, and for the company since I have been connected with them. We have the opinions of Lord Mansfield, Sir Dudley Ryder, Sir Richard Lloyd, Lord Erskine, Gibbs, Romilly, Cruise, Bell, Scarlett, Holroyd; . . . I think the universal opinion, without an exception, of these eminent lawyers is, that the proprietary rights of the company cannot be disputed. . . . None of these eminent lawyers, and no lawyer whose opinion I have ever heard quoted . . . have expressed the least doubt as to the proprietary rights granted under the charter.'[1] The actual possession in fee simple of Assiniboia remained in the Selkirk family till 1834 and in the Hudson's Bay Company till its absorption into the Dominion of Canada in 1870.

The second consideration is more involved and is to be sought in the actual course of events. There can be no doubt that Macdonell was convinced from the first of North-West opposition to the settlement. Sir Alexander Mackenzie had declared it openly to him in 1811;[2] Simon McGillivray's advice in June, 1811, for 'opposition' and 'a year of trial',[3] could scarcely have passed for nothing. Good-fellowship with the North-westers early in the winter of 1812 had been followed, it has been seen, by profound distrust and open charges of treachery.[4] Macdonell wrote confidentially to Selkirk of 'the insidious line of conduct' of his North-West

son's Bay Company and his Attempt to Establish a Colony in the Red River. London, 1817, Appendix i.

[1] *Report from the Select Committee*, 1857, pp. 327-8.

[2] He had 'pledged himself in the most unequivocal and decisive manner to oppose the establishment of this colony by all means in his power'. 'I have reason to expect that every means the N.-W. Co. can attempt to thwart it will be resorted to.' Macdonell to Auld, Dec. 25, 1811, *Selkirk Papers*, i. 104. Also Macdonell to Agents of N.-W. Co., Mar. 8, 1814, *Selkirk Papers*, iii. 968.

[3] See p. 34; Simon McGillivray to McTavish, McGillivray & Co., June 1, 1811.

[4] Macdonell, to Alex. Macdonell, Apr. 18, *Selkirk Papers*, ii. 593. Two weeks later Macdonell wrote to his cousin that he had been sent 'solely to form a Settlement for the purpose of agriculture and civilization of the natives. . . . I had no orders nor was I inclined to give any molestation to the N.-W. Co. in the prosecution of their ordinary trade in Furs'. *Selkirk Papers*, ii. 595.

brother-in-law. 'I have no further delicacy or hesitation in taking a decisive part against them.'[1] The tension only served to accentuate one or two obvious facts that were well known. During the first winter at Red River the settlers, according to the statements of the North-West Company and the admission of Macdonell himself, suffered severely from lack of provisions, while the North-westers, with the half-breeds organized in their service, carried out enough pemmican from Selkirk's grant alone to supply all the North-West brigades to Athabasca. During the winter of 1813 the skilled mounted North-West hunters continued to 'run' the buffalo and to prepare pemmican for their trading-posts.[2] The settlers, unequipped with horses, and relying upon the half-breed hunters for support, traded for buffalo and eked out an existence by drawing the meat over the snow to Fort Daer.[3] New settlers, moreover, were expected in increasing numbers. There were nearly a hundred already at Fort Churchill, ready to ascend to the Forks with the first open water. Selkirk himself was expected to arrive during the summer of 1814 with an unknown number of men and colonists. There is much cogency in Macdonell's remark: 'The North-West Company supply their distant trading posts with the provisions procured in this district, whilst we to whom the soil belongs are obliged to go to the expence and trouble of importing from Britain . . . part of the subsistence of our people.'[4]

As early as the summer of 1813 Macdonell had suggested confidentially to Selkirk the advisability of laying an embargo upon all provisions obtained by the fur companies in Selkirk's territory, 'in consideration of the number of people for whom I have to provide subsistence.'[5] The project had been can-

[1] July 17, 1813, *Selkirk Papers*, ii. 792.

[2] 'The N.-W. Co. carried out last summer from Red River a vast quantity of Pemican the effects of which were sensibly felt in the Colony.' Macdonell to Auld, Apr. 12, 1814, *Selkirk Papers*, iii. 998.

[3] It is to be remembered that Macdonell's authority ceased with the settlement; he had no further control, technically, over the servants of the H. B. Co. in the fur trade than over their rivals in the N.-W. Co. In the actual working out of the 'pemmican campaign', it will be seen that Macdonell encountered opposition from both. See p. 75.

[4] Macdonell to Auld, Apr. 12, 1814, *Selkirk Papers*, iii, 998.

[5] July 17, 1813, *Selkirk Papers*, iii. 792. The letter did not reach

vassed by Macdonell at York Factory during the autumn of 1813, under the gloom from disease and scarcity of provisions that followed the arrival of the settlers at Fort Churchill. Auld had expressed himself 'strongly in favour of it'. 'It was the decided opinion of every person . . . at York Factory that such a measure would be highly proper.'[1]

The approach to a final decision may be traced in the sequel. Macdonell returned from York Factory, leaving, it will be remembered, Selkirk's confidential instructions enjoining moderation and delicate management, to be returned, unopened, to Scotland. One settler remained at the Forks to look after property left at the settlement.[2] The other colonists went again to Pembina for the winter. Fortunately there were now no trading-posts in the neighbourhood. 'Everything goes on smoothly with us this year', wrote Macdonell.[3] 'The greatest unanimity and cordiality pervaded all ranks of our little community.'[4] In January, for the first time, he found himself in a position to assert what he had had the will but not the power to enforce during the previous summer.[5] He determined to act upon Selkirk's full title to the land. The proclamation bears date January 8. The first clause affirms the grant to Selkirk and specifies the boundaries:

'And whereas', the document continues, 'the welfare of the families at present forming settlements on the Red River, within the said territory, with those on their way to it, passing the winter at York or Churchill Forts in Hudson's Bay, as also those who are expected to arrive next autumn, renders it a necessary and indispensable part of my duty to provide for their support. In the yet uncultivated state of this country,

Selkirk till the winter of 1813; no reply could reach Macdonell till the following autumn, after the proclamation had been issued.

[1] Macdonell to Auld, Apr. 12, 1814, *Selkirk Papers*, iii. 998.

[2] Five or six of the servants hired for the settlement remained to care for the storehouses.

[3] To Auld, Feb. 4, 1814, *Selkirk Papers*, iii. 955.

[4] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1186.

[5] See pp. 54, 57, &c. 'I was not then prepared to restrainthe practice, knowing that an order to that effect would not be quietly submitted to; and I had not then the means of enforcing it.' Macdonell to Auld, Apr. 12, 1814, *Selkirk Papers*, iii. 998.

the ordinary resources derived from the Buffaloe, and other wild animals, hunted within the territory, are not deemed more than adequate for the requisite supply; wherefore it is hereby ordered, that no person trading in furs or provisions within the territory, for the honourable the Hudson's Bay company, the North-West company, or any individual, or unconnected trader or persons whatever, shall take out any provisions, either of flesh, grain or vegetables, procured or raised within the said territory, by water or land carriage, for one twelvemonth from the date hereof; save and except what may be judged necessary for the trading parties at this present time within the territory, to carry them to their respective destinations, and also may on due application to me, obtain licence for the same. The provisions procured and raised as above, shall be taken for the use of the colony; and that no loss may accrue to the parties concerned, they will be paid for by British bills at the accustomary rates.'

A list of penalties follows. The proclamation is signed by Miles Macdonell, Governor, and John Spencer, Secretary.[1] It was the first overt exercise of authority after the ceremony of seisin in September, 1812.

Hitherto, Macdonell was not without logical justification. There were less plausible considerations; one design, at least, at this distance of time, seems strange and whimsical. When the Hudson's Bay ships sailed in the summer of 1812, war was imminent with the United States. Selkirk wrote seriously of the possibility of American attack at Red River, and discussed the feasibility of taking to the plains until he himself could reach the scene of action with an armed expedition.[2] One of the first engagements of the war had taken place as far west as Michillimackinac. Auld assured Selkirk that if the Americans came, both the Hudson's Bay Company and the North-westers would unite under Macdonell; though the North-West 'Company's 'more fastidious devotion might desire a more conciliating commander'.[3] Macdonell actually called upon the North-westers—with how much gravity it is difficult to judge—for 'the Co-operation of every good Subject

[1] *Papers Rel. to R.R.S.*, 1819, pp. 10–11.
[2] June 20, 1812, *Selkirk Papers*, ii. 732.
[3] Sept. 12, 1812, *Selkirk Papers*, ii. 496.

of His Majesty', and urged the state of war as a further justification for the embargo.[1]

The North-westers, naturally, took a different view of the situation. The actual enforcement of the embargo in the spring began only after the American victory on Lake Erie threatened to cut off the Athabasca canoes from all other sources of supplies. To the North-westers one motive was palpable. Macdonell had not stayed his hand through fear of inconvenience to the North-West fur trade. There can be no doubt that the acquiescence of the Hudson's Bay traders at York Factory had been given in anticipation of the complete overthrow of their rivals.[2] Macdonell for his part looked for nothing less than the full vindication of Selkirk's title to Assiniboia. His estimate of his adversaries' weakness, however, was most unaccountably overdrawn;[3] Auld's, in view of his experience with the North-West fur-traders, seems almost inscrutable. 'The *Bourgeois* will bluster and strut a bit', he wrote, 'and that will be all.'[4] Selkirk meanwhile deplored Macdonell's rashness, though he was forced to admit that his course was technically defensible.[5] The proclamation produced provisions, but to an opponent it bore all the specious marks of inequity and partisanship.[6] For the establishment of Selkirk's rights it was worse than useless. Even the Hudson's Bay traders rebelled against the embargo. Their protest

[1] 'These parts are not too remote for them to attempt to carry their arms to. I consider it therefore to be my indispensable duty to endeavour to secure to the British Empire this part of the Country. . . . In this view the propriety of the present Embargo on provisions is sufficiently obvious as a precautionary measure for the public safety and would justify the enforcement of it more extensively than was at first contemplated for the support of the Settlers.' Macdonell to Wills, May 22, 1814, *Selkirk Papers*, iii. 930.

[2] See Macdonell to Auld, Apr. 24, 1814, *Selkirk Papers*, iii. 987. Auld to Macdonell, ibid., iv. 1057, &c.

[3] 'I look upon the present to be the last struggle of an expiring party; and when once foiled in it they can never trouble us more.' Macdonell to Auld, Apr. 24, 1814, *Selkirk Papers*, iii. 987.

[4] *Selkirk Papers*, iv. 1057.

[5] Selkirk to Macdonell, Dec. 21, 1814, *Selkirk Papers*, iv. 1288.

[6] James Hughes to J. D. Cameron, Apr. 5, 1815. 'I know, indeed am certain from good authority, that they are plans (the proclamation of Jan. 8, &c.) entirely formed in this Country. His Lordship Selkirk never gave such orders—I am apt to think that that fellow Miles is a mere Desperado at the head of Banditti.' *Selkirk Papers*, 8833.

could be dealt with by Selkirk at head-quarters; but the North-westers, who could scarcely be expected to be very deeply concerned for Macdonell's scarcity of provisions, saw in the proclamation of January 8 only an unscrupulous attempt to inflict a mortal blow upon the fur trade of their company.

Macdonell began by sending the surgeon Holdsworth to Brandon House, with a copy to be nailed to the door of the North-West Company's trading-post. Holdsworth used 'great propriety and judgement', but Wills declined to advertise the measure.[1] There were disquieting rumours, however, from the American war; Wills himself was in failing health; his rivals were full of confidence; their claims, if legal, were overwhelming;[2] to cut off all their supplies from the Athabasca canoes was a 'piece of inhumanity unheard of'.[3] The 'English' exulted to find their rivals completely abashed and disconcerted. Elsewhere, at least, the North-westers were not so easily daunted. The proclamation was received with incredulity and some astonishment. 'Mr. Roseblave writes me', said Wills, 'that he cannot believe you to be in earnest.'[4] The trading for pemmican went briskly on in ominous silence. Rumours reached the settlement that there would be a change when the Athabasca brigades came down the river. There was little prospect of placid submission. When the North-westers began to send sledges to bring out the pemmican from their hunting camps, Macdonell discovered that there would be a general resistance.

It was inevitable that the first step towards coercion would bring unfortunate complications. Macdonell had failed to reckon with the half-breeds. The embargo in fact neutralized all his endeavours to win them over. He had protected their hunting bands in the spring against the warlike Sioux,[5] and

[1] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1188.

[2] 'Wills has no great doubts of your right.' Auld to Macdonell, Brandon House, Apr. 15, 1814, *Selkirk Papers*, iv. 1054.

[3] Wills to Macdonell, Jan. 25, 1814, *Selkirk Papers*, iii. 923.

[4] . . . . 'and tells me if I should not find myself strong enough to wait till they came.' Mem. of conference between Macdonell and Wills, May 23, 1814, *Selkirk Papers*, iii. 931.

[5] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1184.

had gathered a little settlement of them about Fort Daer during the winter;[1] but when Spencer 'the sheriff' found North-westers drawing away pemmican on sledges from a hunting camp in the Turtle River plains, and compelled them to replace it again upon the scaffolding,[2] the half-breeds began to throw in their lot with their employers. They were 'North-West' in origin and had dealt in pemmican for North-West stores. They were not to be won to the colony by summary methods. Provisions, moreover, in Assiniboia formed the staple of the North-West trade; the tradesmen found ready means of turning their kinsmen and customers into allies, with fatal results, it will be seen, to the colony.

In the absence of effective resistance, the North-westers themselves could be relied upon judiciously to construe every act of coercion into tyranny. 'My good relation at the Forks', wrote Macdonell, is 'closeminded, insinuating, and designing.'[3] In May a party of voyageurs was bringing a boatload of provisions down the Assiniboine when word was sent from the Forks that preparations were being made to stop them. The pemmican was 'cached', the boat turned adrift, and 'the sheriff' found ninety-six bales of pemmican only after some days of humiliating search.[4] The embargo was developing into a system of general seizure. Early in June it was apparent that if Macdonell would have pemmican he must take it. The main supplies were coming down the Souris and down the Assiniboine from Qu'Appelle. At the junction stood the North-West fort of La Souris. When the bateaux came down, the North-westers lodged the provisions safely within the fort. Macdonell suspected a plan to carry them out by another route.[5] 'The sheriff' appeared before the gate, with Howse, a Hudson's Bay trader, and three men from the settlement, and demanded entrance of John Pritchard the North-

[1] 'I expect that in a few years a fine settlement will be made there.' Macdonell to Selkirk, *Selkirk Papers*, iv. 1187.
[2] *Papers Rel. to R.R.S.*, 1819, p. 156.
[3] To Auld, April 24, 1814, *Selkirk Papers*, iii. 985.
[4] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1189; *Papers Rel. to R.R.S.*, p. 155.
[5] *Selkirk Papers*, iv. 1189.

wester in charge.[1] Pritchard refused to obey the warrant and bolted the gate. Spencer cut out three pickets of the stockade and drew the staples in the hangard doors. More than 400 bags of pemmican were seized; part was taken across the river to Brandon House, the Hudson's Bay post, for safe keeping; the rest went down the Assiniboine to Fort Douglas, escorted past Fort Gibraltar by a force from the settlement.[2] The North-westers, wrote Spencer, had 'not met with such a bitter Pill to swallow for these many years past.'[3]

The up-river traders of Athabasca advocated something more effective than passive resistance. Duncan Cameron, having got together an armed party by an appeal to interest, surprised Howse on his way to the settlement, and carried him to the North-West fort at the Forks, determined to take him to Montreal 'on a charge of Burglary'.[4] Macdonell, in retaliation, erected a battery at Fort Douglas to command the river, and stopped two 'light' North-West canoes coming up from the lake with a North-West clerk, twenty men, and a chest of arms. The men were liberated on parole; the arms were stored at Fort Douglas 'until the present aspect of Hostilities subside'.[5] The Governor was determined not to 'yield a peg.'[6] There were a dozen *bourgeois*, however, and more than a hundred voyageurs gathering at the Forks;[7] express canoes had gone toward Fort William with a purpose; there

[1] Macdonell, it seems, instructed Spencer not to interfere with provisions from Swan River which had been secured outside Selkirk's grant. *Selkirk Papers*, iv. 1165, &c.

[2] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1189; *Papers Rel. to R.R.S.*, 156. Pritchard to McGillivray, July 23, 1814, *Selkirk Papers*, iv. 1165 &c.

[3] Spencer to Selkirk, Dec. 8, 1814, *Selkirk Papers*, iv. 1136.

[4] Proprietors of the N.-W. Co., Forks of the Red River, to Macdonell, June 16, 1814, *Selkirk Papers*, iii. 942.

[5] Macdonell to Proprietors N.-W. Co., June 15, 1814, *Selkirk Papers*, iii. 940.

[6] *Selkirk Papers*, iii. 985. The refusal to apply for 'the Governor's' licence, it seems, chiefly aroused Macdonell's hostility. He had given the North-westers to expect no very rigorous enforcement of the embargo; he had offered, and Wills had accepted, the services of Holdsworth the colonial surgeon; he even offered to return the North-westers some of the provisions which his sheriff had seized on the Assiniboine. *Selkirk Papers*, iii. 927, 928, &c.

[7] *Selkirk Papers*, iv. 1191.

were thinly veiled threats of rousing the natives;[1] armed half-breeds were hovering about Fort Gibraltar; Howse, a prisoner within, wrote to Macdonell of 'preventing Bloodshed'.[2] The appearance of John McDonald of Garth,[3] a veteran of the wild days of the X Y Company, was a signal for circumspection. Macdonell found his 88 effective men opposed by 120.[4] McDonald suggested compromise. Terms were discussed and Macdonell sent the stipulations in writing to Fort Gibraltar. The North-westers agreed 'rather than come to extremities'.[5] Macdonell was to retain only 200 bags of pemmican. The North-westers were to send canoes to the Bay for oatmeal and to supply the settlement with 75 bags of pemmican during the ensuing winter.[6] In return, they were to be allowed, if they wished, to send to England by way of Hudson's Bay any furs they could take down by the canoes sent for provisions to York Factory. How far the rival parties intended to keep this extraordinary agreement it is difficult to judge. Coltman, the commissioner, remarks that 'some little deviation from the original bargain having afterwards taken place, it does not appear quite clear, what were the exact terms carried into execution'.[7] The 'little deviation' consisted in the repudiation by the North-West Company of the entire compact.[8]

[1] 'The Sentiments of the natives, who are not ignorant of the state of things, will show you if rightly represented how far it is necessary for the existence of your infant Colony that a perfect understanding and an intercourse of mutual good offices should exist between us.' Proprietors N.-W. Co. to Macdonell, Gibraltar, June 18, 1814, *Selkirk Papers*, iii. 946.

[2] June 17, 1814, *Selkirk Papers*, iii. 944.

[3] Called 'bras croché' from an injured arm. McDonald was brother-in-law of William McGillivray. He was returning at this time from the Pacific. See Masson, *Bourgeois de la Compagnie du Nord-Ouest*, ii. 51 et seq., and *Selkirk Papers*, iv. 1191.

[4] Mem. in *Selkirk Papers*, iv. 1306.

[5] 'We acknowledge the receipt of your Letter and agree to the contents,' Proprietors N.-W. Co. to Macdonell, Fort Gibraltar, June 18, 1814, *Selkirk Papers*, iii. 948.

[6] To be paid for according to the proclamation. *Selkirk Papers*, iii. 927, Macdonell to Wills, May 20, 1814.

[7] *Papers Rel. to R.R.S.*, 1819, p. 157.

[8] Beyond the concise stipulations with regard to the pemmican, it is difficult to judge what either party actually expected from the compact. Word had reached the North-West winterers that permission had been given by the Imperial authorities to ship furs via Hudson Bay during the

McDonald of Garth might have surmised how far the temper of his brother-in-law W. McGillivray would be inclined to brook the loss of 200 bags of pemmican and much dignity. Meanwhile the pemmican remained at Fort Douglas, and the Athabasca brigades went up the Winnipeg towards the summer rendezvous at Fort William. There would be peace at least till the winter partners returned in the autumn.

It was at this juncture, it has been seen, that Archibald McDonald's party arrived to find that 'everything was settled'. With the first lull in hostilities 'the sheriff' had gone to meet the second party of the Churchill settlers; the Governor himself remained at the Forks till August, 'oppressed with the weight of responsibility and beset by insidious opposition on every side. The result of the proclamation had been altogether disappointing. The North-West Company had proved to be by no means 'an expiring party'.[1] The embargo had scotched the snake, not killed it. The half-breeds had already been estranged by the proclamation; scarcely had the winter partners departed before Macdonell forbade them to 'run' the buffalo on horseback. The North-westers concurred with their usual diplomacy; they were to reap their harvest from Macdonell's unpopularity with the half-breeds in the autumn.[2] Within his own party Macdonell had encountered 'great reproach' for not retaining the pemmican once he had seized it, and for not proceeding to 'drive the North-westers entirely out of the river'.[3] If the Hudson's Bay traders were dis-

war (*Selkirk Papers*, iii. 945). Macdonell's letter, however, offering to give passage for furs via York Factory closes with a postscript to the effect that he had discovered that there was no oatmeal at that post to occasion the North-West canoes to undertake the journey. *Selkirk Papers*, iii. 947. Cf. *Selkirk Papers*, iv. 1395, Draft letter H. B. Co. to T. Thomas: 'In consequence of the occupation of Detroit by the American Army His Majesty's Ministers have applied to us for our permission to suffer the North-West Co. to send their provisions and goods for this present year by the way of York Fort.' April, 1814.

[1] See p. 69, note 3.

[2] 'It was . . . . with the utmost surprize, that he found the measure subsequently to the arrival of Mr. Duncan Cameron, the ensuing fall, made a subject of accusation against himself, and represented to the free Canadians and half-breeds, as an infringement of their liberty.' Macdonell's deposition, *Papers Rel. to R.R.S.*, 1819, p. 158.

[3] A. McDonald to Selkirk, July 24, 1814, *Selkirk Papers*, iv. 1173.

satisfied with Macdonell's leniency to their rivals, they heard with some chagrin of his stringency towards themselves. Out of 300 bags of pemmican, Stett, a Hudson's Bay trader, had 'surrendered' nearly 200 on the way to York Factory; Selkirk was compelled to defend his Governor against both companies.[1] Auld who had supported the embargo with adroit enthusiasm so long as it seemed to promise the overthrow either of the North-westers or of Macdonell himself,[2] had now gathered the threads of influence into his own hands.[3] Macdonell wrote bitterly to Selkirk that he found himself 'unequal to the task of reconciling so many different interests';[4] assured him that Auld was 'a man of Strong parts . . . possessed of a vast deal of policy and intrigue',[5] and begged him to allow no delicacy to deter him from sending out another Governor for the settlement.[6] When Macdonell went to York Factory in September, Auld produced the unfortunate letter of 1812;[7] he accused some of the settlers of filching his silver, and roundly charged 'the young man' Archibald McDonald with perjury.[8] To add to the situation, Selkirk's letters by the Hudson's Bay ships were at once so generous and so pertinent with sound advice and considerate reproof that Macdonell was almost overwhelmed.[9] Illness and the insidious influence of

[1] Macdonell to Selkirk, July 25, 1814, *Selkirk Papers*, iv. 1194. Cf. Selkirk's memorandum on the 'Pemican War'. *Selkirk Papers*, iv. 1300 et seq.

[2] 'I hear that McD. means to come down the Ossinioboia River with the Batteaux to *consult* about the Proclamation but I rather think to head a party to resist Cn. McDonell. Should Montreal be taken his valour will cool if he should escape cooling in a way he so richly deserves.' Auld to Hillier, April 8, 1814, *Selkirk Papers*, iii. 994. Cf. *Selkirk Papers*, iv. 1300 et seq.

[3] 'Since coming here I won't hesitate to say that though Capt. McD. has officers under him they don't consider him their superior officer at all; Mr. Auld is the man they look upon, and are sure to communicate to him from time to time every movement whatever Capt. McD. makes.' A. McDonald to Selkirk, July 24, 1814, *Selkirk Papers*, iv. 1174.

[4] July 24, 1814, *Selkirk Papers*, iv. 1179.

[5] Sept. 9, 1814, *Selkirk Papers*, iv. 1217.

[6] 'I beg therefore that your Lordship be not prevented from any delicacy to send a suitable person to take my situation,' July 24, 1814, *Selkirk Papers*, iv. 1179.

[7] *Selkirk Papers*, iv. 1217, &c.

[8] *Selkirk Papers*, iv. 1229 et seq.

[9] Macdonell to Selkirk, Sept. 9, *Selkirk Papers*, iv. 1218 et seq. Selkirk had returned the confidential letter which Auld had sent back to Selkirk

the superintendent wrought upon his health and spirits until he was about to resign the undertaking in despair, 'You may be assured', Auld wrote to him with unctuous pity, 'that I will use my utmost endeavours to satisfy the Noble Earl of the Propriety and necessity of his accepting cheerfully your resignation by which you thus give a most feeling mark of your devotion to his interests while you follow the only road to your own true happiness.'[1] 'I feel exceedingly oppressed,' Macdonell wrote to Selkirk. 'I . . . now think your presence here indispensably required.'[2]

Auld's scheme, it seems, failed of success. Edwards the surgeon, who records Macdonell's depression with something like exultation,[3] notes with chagrin that with returning health 'Capt. Macdonell . . . seemed to be in most excellent spirits'.[4] Late in September he went up the Hayes towards the settlement with fourteen new settlers who had reached York Factory by the ships of 1814. The Sutherland settlers at Red River meanwhile had proved their worth. Even Auld commented upon the 'spirited people . . . from the Highlands'.[5] Below the junction of the Red River and the Assiniboine, along the bank to the left now traversed by Main Street of the City of Winnipeg, the settlers had built their rough houses of hewn logs. Macdonell decided to stand his ground. For the first time he prepared to winter at the Forks.

The stir at Fort William when it was found that Macdonell's 'empty boast'[6] had become a startling reality, surpassed anything since the days of rivalry with the X Y Company. Alexander Macdonell, 'closeminded . . . and designing,' had

in 1813, 'which had I received at the time', wrote Macdonell, 'would have been a caution to me in my proceedings since; and perhaps would have prevented me from falling so much into errors.'

[1] Sept. 1 and 2, 1814, *Selkirk Papers*, iv. 1213. Auld writes of the 'Public concern which you have presided over until yesterday morning, when you delivered the charge of it to my care and disposal'. Ibid., iv. 1212.

[2] *Selkirk Papers*, iv. 1225, 1226.

[3] Diary by A. Edwards, Aug. 27–Sept. 7, *Selkirk Papers*, iv. 1207 et seq.

[4] *Selkirk Papers*, iv. 1210.

[5] Auld to Macdonell, April 15, 1814, *Selkirk Papers*, iv. 1057.

[6] Statement by William McGillivray, Aug. 15, 1815, enclosed in dispatch from Drummond to Bathurst, Nov. 2, 1815. *Papers Rel. to R.R.S.*, p. 24.

brought down the tale of plunder by light canoe.[1] The partners from Montreal, keen, uncompromising, and resourceful, discussed the situation behind bolted doors. William McGillivray of Montreal, Justice of the Peace, Lieutenant-Colonel, Legislative Councillor of Lower Canada, had known the fur trade for thirty years. 'It is the first time', he declared, 'the North-West company has ever been insulted.'[2] There were no judicious compliments over wineglasses to be repeated to the winterers and clerks of Athabasca and Assiniboia. John Pritchard, of the episode at Fort la Souris, was told 'he had acted like a coward'. McDonald of Garth, one of the partners and McGillivray's own brother-in-law, was censured for having played the peacemaker.[3] Alexander Macdonell complained of harshness and browbeating,[4] and thought it necessary to defend his reputation by calling out his man in the rough fashion of the times.[5] Archibald Norman McLeod, the North-West partner, second in importance only to W. McGillivray at Fort William, wrote to Cameron in July of disgrace, disapproval, and reprobation.[6] 'Mr. Wills,' he continued, 'escaped a decided and Public censure by his reported state of health. . . . I assure you my friend it will take years of Active and persevering industry to do away the impression made by the unfortunate compromise of our honour at Red River.'[7]

The result of the gathering might have been foreseen. 'It was not the value of the pemican,' declared McGillivray, 'but

[1] See Macdonell's journal, sworn before William McGillivray and A. N. McLeod, Fort William, July 14, 1814. *Papers Rel. to R.R.S.*, p. 11.

[2] *Papers Rel. to R.R.S.*, 1819, p. 159.

[3] John McDonald to Dougal Cameron, July 19, 1814, *Selkirk Papers*, 9008. 'This year', he continued, 'you must bid all defiance and enforce everything.'

[4] Alex. Macdonell to J. D. Cameron, Fort William, July 23, 1814, *Selkirk Papers*, 9006 . . . . 'Tearing people to pieces seems to be the order of the day; judge then the situation of the absent when those on the ground can't escape what is here called censure.'

[5] *Selkirk Papers*, 9006 et seq.

[6] J. D. Cameron's name appears with that of John Wills, John McDonald, and Duncan Cameron as proprietors of the North-West Company in the correspondence in June, 1814, at Red River, *Selkirk Papers*, iii. 942, &c.

[7] *Selkirk Papers*, 8604. 'The strange and disagreeable events that took place at the Red River last spring were much spoken of, severely animadverted on, and totally disapproved.' Ibid.

the insult offered to the North-West company.'[1] The 'compromise of . . . honour' was reparable only at Red River. A plan of redress was devised with the resourcefulness and sagacity characteristic of the most powerful commercial enterprise in British North America. The task was entrusted to Alexander Macdonell and Duncan Cameron, still smarting under the most serious punishment known to the North-West trader, the disapproval of the *bourgeois*. Few Northwesters would have hesitated to seize such an opportunity of converting failure into success and degradation into rapid promotion. Of the general design, it seems, there can be no doubt. 'All the black sheep', wrote Alexander Macdonell,[2] 'were to be turned out, . . . matters to be carried with a high hand, and the concern to retrieve their honour.' Cameron was authorized to bring away as many settlers as possible, passage free, by North-West canoes to Upper Canada.[3] Voyageurs were sworn, willy-nilly, to implicit obedience. Miles Macdonell himself must be brought down a prisoner. McLeod as Justice of the Peace supplied the winterers with the necessary warrants. Rumours reached Montreal,[4] where Colin Robertson, formerly a North-wester under McDonald of Garth, but now deep in Selkirk's enterprise, was biding his time to organize a force of one hundred French-Canadian voyageurs to attack the North-westers with their own weapons in Athabasca. Duncan Cameron, it seems, wrote that he would appear at Red River in Major McLeod's red coat: North-westers heard that the letter had been shown to Robertson and that Robertson had sent it to Selkirk.[5] During the war the most rigid economy was requisite: the canoes to the Forks were never freighted with so many 'luxuries'.[6] 'They

[1] *Papers Rel. to R.R.S.*, 1819, p. 159.
[2] To J. D. Cameron, Fort William, July 23, 1814, *Selkirk Papers*, 9007.
[3] See *Papers Rel. to R.R.S.*, 1819, p. 159.
[4] *Papers Rel. to R.R.S.*, 1819, p. 160.
[5] John McGillivray to Duncan Cameron, June 17, 1816. *Selkirk Papers*, 9153.
[6] Pritchard to Selkirk, June 20, 1815, *Selkirk Papers*, v. 1547. 'Double proportion of luxuries. . . . They were extremely lavish of their wines, frequently gave Balls and other diversions.' . . . Cf. *Selkirk Papers*, 9148, John McGillivray to Duncan Cameron, June 17, 1816.

were extremely lavish of their wines.' John McDonald suggested judicious presents to influential families at the settlement. There were drawn up no compromising written instructions to fall into the hands of 'the enemy',[1] or to suggest complicity of the partners at head-quarters; but one letter written to McDonald, 'bras croché', by Alexander Macdonell, fresh from the midsummer deliberations at Fort William, fell into unfriendly hands. 'You see myself and our mutual friend Cameron, so far on our way to commence open hostilities against the enemy in Red River; much is expected from us, if we believe some; perhaps too much: one thing certain, that we will do our best to defend what we consider our rights in the interior. Something serious will undoubtedly take place. Nothing but the complete downfall of the colony will satisfy some by fair or foul means. A most desirable object, if it can be accomplished; so here is at them with all my heart and energy.'[2] Herein lay the excellence of the North-West Company. The partners ruled, as McGillivray said, more 'by policy than authority'.[3]

The first blow was struck before Macdonell returned from York Factory.[4] On September 5, Duncan Cameron served Spencer, 'the sheriff', with one of McLeod's warrants and carried him off by river to Fort Gibraltar in the teeth of a threatening band of settlers on the beach.[5] 'After a little reflection', Spencer wrote apologetically to Selkirk, 'I resigned myself up to their charge.'[6] The prisoner was taken by light canoe to Lac la Pluie. 'Captain McDonell, on learning the Fate of his Sheriff,' wrote Cameron, nearly lost 'the use of his Senses'.[7]

[1] Cf. Kenneth McKenzie to Duncan Cameron, Fort William, Aug. 27, 1815, *Selkirk Papers*, 8569: 'You will requlre to be very careful this year in your actions respecting H. B. people do not for God sake (*sic*) commit yourself in either action or writing.'

[2] Aug. 5, 1814, *Papers Rel. to R.R.S.*, p. 159; *Selkirk Papers*, 1203.

[3] William McGillivray's examination at Fort William, Aug. 16, 1816, *Selkirk Papers*, 8926.

[4] Macdonell reached Fort Douglas Oct. 19, *A Sketch of the Conduct of the North-West Company towards Red River Settlement*, from September 1814 to June 1815 inclusive, *Papers Rel. to R.R.S.*, 1819, p. 28.

[5] J. D. Cameron to N.-W. Partners, Jan. 3, 1815, *Selkirk Papers*, 8748.

[6] Dec. 8, 1814, Lac la Pluie, *Selkirk Papers*, iv. 1133.

[7] J. D. Cameron to N.-W. Partners, Jan. 3, 1815, *Selkirk Papers*, 8745.

The most urgent preliminary to the winter's campaign was to secure the freemen and half-breeds for the North-West Company. In this at least Alexander Macdonell and Cameron could scarcely fail of success. The freemen, who were chiefly voyageurs, permitted on their discharge to settle in Indian territory, had already been trained to North-West discipline. Of the half-breeds—métis or bois-brûlés, as they were called—those who gave promise of cleverness or leadership were already North-West clerks or interpreters. Some had been trained in Montreal counting-houses; many were sons of old North-West winterers, who were now the most influential *bourgeois* of the company at Montreal and Fort William; all were imbued with the 'Ancient North-West Spirit'[1] of aggression. The others, illiterate and thriftless, lived by the buffalo or paddled the North-West canoes in summer. Even of these the North-West Company had secured by long traffic in Assiniboia the most aggressive leaders and the best hunters. The Governor's confidence and promptness had caused at first some wavering of allegiance, but the plan devised at Fort William offset the martial bearing of 'Captain Cartouche'.[2] The North-westers went inland with 'military appointments, swords, and uniforms'.[3] Cameron appeared as 'Commanding Officer, R. R.' and 'Captain in the Voyageur Corps', which had been disbanded by a general order of General Prevost in March, 1813. The uniform, sword, and epaulets, the story ran, had been lent by Major McLeod, the North-West partner who had issued the warrants at Fort William.[4] Alexander Macdonell, meanwhile, 'with

[1] See letter of William McGillivray, Montreal, May 6, 1815, *Selkirk Papers*, v. 1467.

[2] Macdonell's nickname among the winter partners. See J. D. Cameron's letter of July 14, 1816, *Selkirk Papers*, 2377; Seraphim la Mar to J. D. Cameron, Mar. 8, 1815; *Papers Rel. to R.R.S.*, p. 161, &c., &c.

[3] *Papers Rel. to R.R.S.*, 1819, p. 29.

[4] 'McLeod lent him his red coat,' John Pritchard to Colin Robertson, Montreal, Oct. 11 (1815?), *Selkirk Papers*, 1260. See John McGillivray to Duncan Cameron, June 17, 1816, *Selkirk Papers*, 9153. Coltman gives the following explanation in his report (*Papers Rel. to R.R.S.*, pp. 160–1): 'This last measure appears by other evidence to have been adopted under the sanction of a letter said to have been written by E. Brenton, the civil secretary, to Sir George Prevost, dated 27th May, 1814, ordering that military

all . . . heart and energy,'[1] had gone up to the head-quarters of the métis, Qu'Appelle on the Assiniboine. Scarcely had the winterers returned inland when the bois-brûlés pitched a camp on the Turtle River plains, 'ran' the buffalo in defiance of Macdonell's injunctions, and began to treat settler and Hudson's Bay trader with ominous hostility. Cameron made the most of his rival's unpopularity of July. When the hunters from the settlement approached the buffalo on foot over the frozen snow, the bois-brûlés stampeded the herd on horseback. John McLeod, sent to the half-breed camp with a message from the Governor, was detained a prisoner for six days.[2] Even the Governor 'could only get two or three of the camp men', he reported, 'to come near me.'[3] It was at this point that Cuthbert Grant, a daring young clerk of eighteen years, and Peter Pangman,[4] both prominent in the subsequent destruction of the settlement, first took an active part in the quarrel. Pangman was arrested, and Grant, in retaliation, seized four Hudson's Bay men under a warrant signed as usual by A. N. McLeod at Fort William. Such tactics of thrust and counter-thrust could not go on indefinitely. Macdonell arranged a conference with Grant, at Fort Daer, and discussed the situation with all forbearance and

rank should be given to any person in the Indian territories whom Mr. William McGillivray should recommend; in consequence whereof the same was confirmed by a garrison order, issued by Colonel McDonnell, the commandant at Michilimackinack, which was forwarded by the North-West company into the Indian territory during the course of the winter.' I have been unable to verify the details. The correspondence of Prevost's Civil Secretary, Brenton, in G. 412, Canadian Archives, closes with Mar. 26, 1814. The next volume in order begins with Drummond's governorship, May 7, 1815. There is no reference to the matter in either of these volumes or in the letter-book of the Governor's Civil Secretary, L. C., 18 Sept., 1811, to 3 April, 1815, G. 439, Canadian Archives. Nor is there any reference to the Garrison Order in the *Military Posts*, 1811–16, Canadian Archives, C. The commandant at Michillimackinac was Lieut.-Colonel McDouall.

[1] See letter of William McGillivray, Montreal, May 6, 1815, *Selkirk Papers*, v. 1467.

[2] McLeod to Selkirk, Aug. 5, 1815, *Selkirk Papers*, 1593.

[3] Macdonell's *Sketch*, *Papers Rel. to R. R. S.*, 1819, p. 31.

[4] Peter Pangman was formerly active in Hudson's Bay service under Peter Fidler, and seems to have joined the North-westers because Fidler refused him a promised 'equipment'. 'I was extremely sorry . . . a few pounds to give this fellow, who was a very interested servant, would have prevented many great violences that afterwards took place.' MS. *Journal* of J. McLeod, Sr., Ch. Trader, H. B. Co., Canadian Archives, M. 201, p. 4.

conciliation. An exchange of prisoners was agreed upon. 'I promised them', says Macdonell, 'that the past should be forgotten. . . . They parted from me apparently well pleased.'[1] There was to be no peace, however, between bois-brûlé and settler while the North-westers remained in force at the Forks. Macdonell was compelled to admit the 'imprudence' of the proclamation of January and the 'bad effect' of the order of July.[2] Freemen and bois-brûlés had declared themselves unmistakably for the North-West Company.

Even upon the settlers at Fort Douglas McLeod's warrants and Cameron's red coat were not without effect. During the summer the settlement had progressed smoothly and rapidly; 'Sheriff' Spencer was popular and genial;[3] the highlanders 'never were happier and more contented in Kildonan', wrote Archibald McDonald, 'than they are here already'.[4] But Cameron's aggressiveness was disconcerting, and Spencer's arrest disastrous. The settlers themselves were prepared to break open the hangard doors, seize stands of arms and defend their 'sheriff'. One or two, however, who had already been tainted with North-West influence began to deprecate violence.[5] The officers were too timid even to supply the settlers with arms and ammunition.[6] The result of Spencer's 'little deliberation' has already been noticed. Two North-West canoes eventually passed Fort Douglas on the way towards Fort William, with the 'sheriff' a prisoner in full view.[7] The highlanders on the bank of the river looked on in impotence and began to think 'that they had not law on their side'.[8] If

[1] Macdonell to Selkirk, *Papers Rel. to R. R. S.*, 1819, pp. 31, 32.

[2] 'My imprudence in the seizure of the provisions has furnished a pretext for the violence used against us. . . . My endeavouring to restrict the freemen and half-breeds from running the buffalo on horseback has also had a very bad effect.' Macdonell to Selkirk, Sept. 19, 1815, *Selkirk Papers*, v. 1698.

[3] *Selkirk Papers*, 2004, 2030, &c.

[4] To Selkirk, July 24, 1814, *Selkirk Papers*, 1170.

[5] *Selkirk Papers*, 2004. Cp. Macdonell to Auld, Apr. 24, 1814, *Selkirk Papers*, 986.

[6] 'Archibald McDonald refused ammunition and arms. . . . All settlers anxious to defend him—self Hugh Ban'n Wm. Suth'd ready to fire.' Statement of J. Murray, *Selkirk Papers*, 2004, &c.

[7] J. D. Cameron to N.-W. Partners, Jan. 3, 1815, *Selkirk Papers*, 8748.

[8] Hugh Bannerman's statement, *Selkirk Papers*, 2030.

Spencer had not been taken away, declared the settlers, 'all would have been satisfied and remained at Red River'.[1]

Against the settlement itself Cameron opened a resolute campaign not of hard blows but of subtle policy. Self-confidence, good nature, much rough humour and fluency in Gaelic formed a combination that few of the Kildonan men could resist.[2] The settlement had never known such gaiety. At Fort Gibraltar the highlanders danced through long winter nights to the pibroch of the bagpipes. Cameron had a word of pity for the thriftless, and a word of advice for the thrifty. It was early in January when opportune activity among the half-breeds forced Macdonell's absence from the settlement; the same day Cameron sent a note to two of the settlers offering free passage, provisions, and lands in Upper Canada. 'Lord Selkirk, Dr. Auld, and Miles McDonnell', he wrote, 'were the greatest enemies ever you had.' 'I have no interest whatever', he added, 'in making you this promise—but what humanity points out to me.'[3] To fellow-partners in the North-West Company the motive was stated with less philanthropy.[4] Prospects were bright for 'the favourable issue of what further was contemplated'.[5] Cameron began to apply his North-West hospitality with a due admixture of stringency and calculation. Macdonell at Fort Daer heard vague rumours of 'a turbulent state below', but remained in ignorance

[1] John Murray's statement, *Selkirk Papers*, 2004. Cp. *Selkirk Papers*, 2006, 2030, &c., &c.

[2] The North-westers carefully refer to Cameron in their official statements as a man of 'irritable temper'. Cameron's correspondence discloses a man of very high spirits, irrepressible good humour, and general popularity. Cp. Cameron to McKenzie ('Dear Sleepy Head'), Mar. 22, 1815; and to A. N. McLellan, June 15, 1816, *Selkirk Papers*, 8756, &c., &c.

[3] D. Cameron to Donald Livingston and Hector McEachern, Jan. 10, 1815, *Selkirk Papers*, 8854, 1740. See *Selkirk Papers*, 1769.

[4] 'I hope in spite of every difficulty that is thrown in my way to prevent it to take all Lord Selkirk's Colony, amounting to about 120 Souls, Men, Women, and Children, for if they are allowed to remain here as free-booters we may leave the Country to themselves.' D. Cameron to James Grant, Mar. 22, 1815, *Selkirk Papers*, 1865.

[5] On June 24, 1815, before the final disruption of the settlement was known at Fort William, A. N. McLeod wrote to the Proprietors of the N.-W. Co.: 'From the R.R. the accounts are the most satisfactory, matters were conducted with energy and ability, and from what was effected, we anticipate the favourable issue from what further was contemplated.' *Selkirk Papers*, 8608.

of the mischievous trend of operations till two of the colonists found a pretext for letting him know.[1] He hurried back to the settlement in April only to find that a few of the settlers upon whom Cameron could rely had broken open the storehouses and had taken to Fort Gibraltar the fieldpieces upon which the Governor had relied for the defence of the settlement. The conception of using Macdonell's men to capture Macdonell's artillery was not without a certain grim humour. 'I have authorized the settlers', Cameron wrote to Archibald McDonald, 'to take possession of them, to bring them over here.'[2] The note was delivered by the ringleader of defection, George Campbell. A few kindred spirits armed with bludgeons confined the officers within the mess-room at Fort Douglas, through a small window of which they could see the guns drawn on horse-sleds to Fort Gibraltar. Cameron emerged from the nearest thicket, shook hands with the ringleaders, and 'gave them a dram all round in his big room'.[3]

As the time drew near for the final attack upon the Governor, it was apparent that the highlanders were not all North-West in sympathy. Cameron began to find the settlement a 'Rascally Republic that neither respects Law nor Rights'.[4] The flattering promise of February began to fail in May. Some remained true to Selkirk, despite every influence that could be brought to bear. When promises of free transportation and prospects of securing land in Upper Canada failed, there were covert threats of destitution in the 'cursed Country',[5] and of danger from Saulteaux and Sioux.[6] Cameron addressed

[1] Macdonell's *Sketch*, *Papers Rel. to R.R.S.*, 1819, p. 32. See Macdonell's account of the winter in *Selkirk Papers*, 1773.

[2] 'Not with a view to make any hostile use of them, but merely to put them out of harm's way; therefore I expect that you will not be so wanting to yourself as to attempt any useless resistance, as no one wishes you or any of your people any harm.' *Papers Rel. to R.R.S.*, 1819, p. 46.

[3] Alexander Bannerman's statement, *Selkirk Papers*, 2029, &c.

[4] 'And will stand at nothing that they can effect against us.' D. Cameron to James Grant, Mar. 22, 1815, *Selkirk Papers*, 1866.

[5] D. Cameron to Mrs. McLean (copy of extract), *Selkirk Papers*, 8709: 'Those that wilfully abandon us and reject our assistance and protection when we offer it, lose an opportunity that they will never have again of leaving this cursed Country.'

[6] D. Cameron to Donald Livingston and Hector McEachern, Mar. 10, 1815, *Selkirk Papers*, 1744 . . . 'Delivering so many people from bondage.

the Hudson's Bay servants as 'my lads', and advised them to 'pay due respect, submission, and obedience to the Laws of our blessed constitution'.[1] The main object of the North-westers was now no longer concealed. Macdonell must be taken at any cost. 'This Spring', wrote John Siveright from Portage la Prairie, 'must decide the entire ruin of the colony—or the expulsion of the N.-W. Co. from Red River.'[2] 'He must be taken,' wrote Alexander Macdonell, 'otherwise we never shall have peace—now or never, Cameron.'[3] A North-wester with another of A. N. McLeod's warrants appeared at Fort Douglas, touched the Governor on the shoulder and declared him his prisoner. Macdonell's first impulse was to confine 'the fellow' for a few hours and to release him to carry back defiance to Fort Gibraltar.

It was evident, however, that the Governor and the faithful few were on the losing side. The North-westers formed a camp at the Frog Plain below the settlement. Bands of half-breeds passed Fort Douglas 'night and day, singing Indian war songs'.[4] A few of the most recent settlers had deserted to the half-breed camp at Turtle River.[5] The contracts of many of the Irish servants were to expire in June. On the 5th 'the greater part of them' went over in a body to the North-westers.[6] Alexander Macdonell had come down in force from Qu'Appelle. At the head of the mounted half-breeds appeared Cuthbert Grant and Peter Pangman, 'Bostonois'. The bois-brûlés began for the first time to claim a right to the soil and to demand compensation from the colonists for the land at the Forks.[7] Shots were fired in the thickets at night. 'The fact

. . . Not only that but even to save your lives . . . every day in danger from Soteuse (*sic*) and Scioux.'

[1] D. Cameron to H. B. Co., June 7, 1815, *Selkirk Papers*, 1534.

[2] Mar. 16, 1815, *Selkirk Papers*, 1867.

[3] Mar. 1, 1815, *Selkirk Papers*, 9028.

[4] Macdonell's *Sketch*, *Papers Rel. to R.R.S.*, 1819, p. 33. 'Always shouting and Singing War songs as they passed our place,' Macdonell to Selkirk, Sept. 19, 1815, *Selkirk Papers*, 1703. Cp. Alex. Macdonell to Duncan Cameron, June 22, 1815 (*Papers Rel. to R.R.S.*, p. 172): 'The half-breeds are going down for the last time to hurry them off.'

[5] *Papers Rel. to R.R.S.*, 1819, p. 32. [6] Ibid., p. 34.

[7] 'Bostonois who first spoke of it to him, said it had been mentioned by persons better informed than either of themselves.' *Papers Rel. to R.R.S.*, 1819, p. 172.

that certain individual partners endeavoured to induce the Indians to accompany them in the spring of 1815', says Coltman in his report, 'is established beyond a doubt.'[1] Seraphim Lamar, a North-West clerk at Qu'Appelle and ensign under the captaincy of Cameron in the defunct Voyageur Corps, wrote in March of thirty or forty men, 'tant Cris qu'Assiniboines qui seront entièrement à l'ordre et à la volonté de Mr. McD.' 'Ce nombre', he continued, 'sur quoi on peut compter, est plus que suffisant pour *déperruquier* Cartouche, et chasser toute la canaille de la Baye d'Hudson de la Rivière Rouge.'[2] John McDonald wrote of a 'decisive blow', reprobated 'half measures', and 'hoped to be able to raise (from) thirty Indians, more or less, to accompany me and my people'.[3] The Indians failed to respond, but horses were shot with arrows and the deed attributed to a few harmless Crees.[4] The rest of the horses belonging to the colony were taken by the half-breeds; settlers were disarmed; a house here and there was plundered. Alexander Macdonell erected a battery against Fort Douglas. A canoe arrived with a handbill from Fort William announcing 'peace with all the world except in Red River'. On the morning of June 11 there was a fusillade from bois-brûlés in hiding; a small fieldpiece at Fort Douglas, fired to clear the thicket, exploded with almost fatal results. Many of those who had not already decided to go down in the North-West canoes were overawed by Cameron's resolution and energy. Women and children were terrified. Macdonell's surrender was a *sine qua non*. 'No terms would be made with me.' The Governor tried in vain to persuade the settlers that his own surrender would be but the prelude to the utter destruc-

[1] *Papers Rel. to R. R. S.*, 1819, p. 161. [2] Ibid.

[3] Ibid. 'This, with what can be recruited elsewhere, I think will decide the contest.' The letter was written by 'Fort Dauphin' McDonald, not McDonald of Garth.

[4] Cp. also ibid., pp. 33, 161, &c. Macdonell in his *Sketch* says: 'I defied Cameron and all the North-West Company to turn the Indians against the colony. Altho' no art that malice could invent to work upon their feelings was left untried to make them hostile to us, which was begun with our arrival in the country, there is not a solitary instance of the least violence being offered from an Indian towards the colonists.' Cp. D. Cameron to James Grant, Mar. 22, 1815, 'The cowardly Indians hereabouts can't be depended upon for any assistance.' *Selkirk Papers*, 1866.

tion of the colony; but desertions continued, and Macdonell saw that resistance was useless. On June 16, Charles McKenzie, another North-West partner, arrived with further reinforcements. Macdonell decided to give himself up 'for the safety of the colony'.[1] The North-westers were exultant: 'We have got the damned robber at last!'[2] Cameron took his prisoner to Fort William, while Alexander Macdonell was left in command at the Forks.

Captain Macdonell's predictions were verified. Crops were trampled down; Fort Douglas, the colony mill, stables, and barns were burnt to the ground. Those who had agreed to go to Upper Canada sold to the North-wester the farm-implements they had used at the settlement, and embarked in the North-West canoes.[3] The others were curtly told to be gone. Unflinching, though desperate, thirteen families found their way by Lake Winnipeg to Jack River.

There was satisfaction at Fort William when the result of 'the campaign' was known. Cameron was the man of the hour. 'I am happy to inform you', wrote Simon McGillivray, 'that the colony has been all knocked in the head by the N.-W. Co.'[4] 'I hope that things will go on better now,' said Charles McKenzie, 'since the Colony is gone to the Devil.'[5] Wine and compliments were indications that the 'insult' of 1814 had been avenged. Several of the partners applauded the end openly, but ventured in private to express compunction

[1] 'Miles McDonell (with the advice of Messrs. McDonald, White, Fidler and James Sutherland, his appointed council) determined to surrender himself, in hopes that the safety of the rest of the Colony might thereby be ensured.' *Papers Rel. to R. R. S.*, 1819, p. 171.

[2] Ibid., p. 35.

[3] In the *Red River and Colonial Register*, a book of memoranda and accounts drawn up by N.-W. Co. partners or agents, lists of settlers are given with entries varying in amount from 4*s.* 6*d.* to £16 2*s.* 10*d.*, credited to each for spades, hammers, &c., &c. The various amounts are marked 'Pd', 'Settled', 'Pd', &c. The writing was identified as that of various partners of the North-West Company. One entry relating to George Campbell bore Duncan Cameron's signature. See infra, note, and *Papers Rel. to R. R. S.*, 1819, p. 174. For *Red River and Colonial Register*, see *Selkirk Papers*, 9732–9744, &c.

[4] To Archibald McGillivray, July 2, 1815, *Selkirk Papers*, 1868.

[5] To John Siveright, July 15, 1815, *Selkirk Papers*, 8534. 'I am happy to see that the N.-W. have so far accomplished their ends.' Ibid., 8531.

about the means.[1] 'Every neutral person', wrote J. D. Cameron, 'thinks we are in the wrong by bringing out the Colonists and destroying their houses.'[2] At the conference at Fort William, however, the proceedings were regarded as the most signal victory in the history of the North-West Company. A. N. McLeod was present to commend 'energy and ability'[3] in company with Simon McGillivray, the North-West partner, who had sounded from London the first note of alarm in 1811, and had played the 'Highlander' in the Inverness *Journal*.[4] McGillivray's brother, it will be seen, was engaged in directing North-West diplomacy with Governor Drummond at head-quarters. The half-breeds who had shared in the 'satisfactory' work at Red River were feasted, thanked in public, and openly rewarded.[5] Peter Pangman was given the sword of an officer. The settlers and colony servants 'received marked attention'. Arrangements were made for the most prominent of them to 'cross the lake in a vessel like Gentlemen and Ladies.'[6] Presents were judiciously bestowed upon the women,[7] and liberal rewards were paid to the ringleaders of defection. One was recommended in a signed statement by Duncan Cameron for £100, as 'a very decent Man and a great Partisan who often exposed his life for the N.-W. Co.', one who had been 'of very Essential service in the transactions of Red River.'[8] Another was to receive £16 2*s*. 10*d*. for articles sold to the North-westers at Fort Gibraltar, and £20 as 'a true

[1] 'I could not help thinking that had I been in our good Captain's place I would have left their miserable huts standing.' James Hughes to John MacLaughlin, Jan. 24, 1816, *Selkirk Papers*, 8739.

[2] July 14, 1816, *Selkirk Papers*, 8765.

[3] A. N. McLeod to Prop. of N.-W. Co., June 24, 1815, *Selkirk Papers*, 8608.

[4] See p. 55, note 2.

[5] *Papers Rel. to R.R.S.*, 1819, p. 173.

[6] J. D. Cameron to Duncan Cameron, Aug. 21, 1815, *Selkirk Papers*, 1464.

[7] 'Every one of the women got a present from your namesake.' Donald McKinnon to Hector McDonald, Fort William, Aug. 21, 1815, *Selkirk Papers*, 1630.

[8] *Red River and Colonial Register*, *Selkirk Papers*, 9736: 'Rather than that his merit and Services would go unrewarded I would rather give him a Hundred pounds myself; altho' I have already been a great deal out of pocket by my campaign to Red River.'

Partisan, Steady, brave, and resolute', and 'something of a leading Character'.[1] The chief offenders never found their way again to Red River. Thus ended 'the Pemican War'. 'Captain Cartouche' was a prisoner. 'The Sheriff' was on his way ostensibly for trial at Montreal. The North-West Company had contrived 'to retrieve their honour'.[2]

To the deluded settlers Cameron's motives appeared in a different light at Fort William. Such rejoicing and self-congratulation could scarcely spring from ebullient philanthropy. Those who had yielded to compulsion were openly dissatisfied. A few of the others began to complain of partiality and to demand a higher price.[3] Even a few of the North-West partners were not confident of the results.[4] At the Forks young John McLeod and three men stored what property remained in one log-house that had escaped destruction by special agreement with the half-breeds, and cared for the crops till reinforcements could arrive from Hudson Bay.[5]

[1] *Red River and Colonial Register*, *Selkirk Papers*, 9744. Moreover, he had forfeited his wages from Lord Selkirk by deserting before his contract expired.

[2] Alex. Macdonell to J. D. Cameron, July 23, 1814, *Selkirk Papers*, 9007.

[3] 'They arrived here quite a different people to whatever you saw of them, entirely displeased with the payment they got for their things, mad with rage at seeing people who had been more against us than for us cross the lake in a vessel like Gentlemen and Ladies, while they who had always been ready to sacrifice their lives for us came all round the lake pulling at the oar like Slaves.' J. D. Cameron to Duncan Cameron, Sault Ste. Marie, Aug. 21, 1815. *Selkirk Papers*, 1464.

[4] J. D. Cameron, July 14, 1816. *Selkirk Papers*, 8765.

[5] The names are: Archibald Currie, Hugh McLean, and James McIntosh. *Journal* of John McLeod, Sr., Ch. Trader, H. B. Co. John McLeod to Sir George Simpson, Dec. 1842. Canadian Archives, M. 201.

CHAPTER VI

THE NEW RÉGIME

IN Great Britain the affairs of the Hudson's Bay Company had responded steadily to enterprising management. From the sailing of the first transport in 1811, the settlement had become a paramount issue. Selkirk's energies were gradually involved, at the expense of local activity in Scotland, possibilities of political life at Westminster, the resources of his private fortune, and even the tranquillity of domestic life. Health, never too robust, seemed at first to improve under the stimulus. Lady Selkirk wrote to her sister-in-law of Selkirk's visits to Ireland, of her own travels with him in the highlands, of his improving health at Blackheath, and his long daily sessions from 10 to 6 at Hudson's Bay House.[1] During the seasons of 1811 and 1812, there are sketches here and there of life in London; a *bon mot* of Sir Walter Scott, a glimpse of Lord Byron, a story of the Duke of Clarence, and a few suggestions of an inclination towards politics. Selkirk spoke in the House of Lords and discussed with Sidmouth the claims of the Roman Catholics, the regulations of tithe in Ireland, and the campaign in Portugal.[2] The Perceval administration was in power, the king was mad, and the Regent had friends among the Whigs. There are indications that Selkirk was nearly caught in the vortex of

[1] *Letters* from Jean, Countess of Selkirk, to Lady Katherine Halkett.

[2] 'On the subject of the Catholics Lord Selkirk has had repeated conversations with Lord Sidmouth, plainly telling him that he differed from him on that question and must vote in favour of the Catholic claims. . . . Lord Selkirk has great hopes of getting something done about the regulation of the tithe in Ireland, which he thinks of nearly as much importance to the peace of the country as yielding the emancipation. . . . On all other subjects I believe they agree, particularly on the campaign in Portugal, which Lord Selkirk reckons of more immediate importance to our existence as a nation than even the questions relating to Ireland. . . . You will probably think from all this that I am dazzled by the possibility of his coming into office.' Countess of Selkirk to Lady Katherine Douglas, Mar. 25, 1812.

political life.[1] 'I must tell you', Lady Selkirk wrote, however, 'that I do not see at present the least probability of Lord Selkirk taking office; he seems too much wrapt up in his Transatlantic schemes to give in to any such idea.'[2] Auld, who returned to England in the ships of 1814, found 'the Earl of Selkirk's influence . . . quite paramount. . . . Nothing is too minute for his inspection or too trifling for his employment'.[3]

The process of formulating the claims of the Company to its jurisdiction and property, was conducted with all Scottish caution. The chief considerations have already been noticed. Among the *Selkirk Papers* is a portfolio of legal opinions and advice upon topics ranging from Selkirk's claims in Assiniboia to the details of Lower Canadian law.[4] The prospect of a decision, however, before a legal tribunal seemed more distant than ever. 'The North-West Company', declared one of the partners, 'will seek no redress from the law, for they are determined to redress all grievances they may suffer themselves.'[5] Already they had every advantage. They had a practical monopoly, based on a popular theory of open competition. The Hudson's Bay Company had an unpopular theoretical monopoly, which actually resulted in the keenest competition and yielded them scarcely a possibility of success. The North-West Company would still be compelled to rely upon force and enterprise even if the field were declared open: clearly nothing was to be gained by risking a process which might close the field altogether. The North-West Company, therefore, would not force a legal decision; the Hudson's Bay Company, it has been seen, could not.[6] Selkirk was compelled reluctantly to depend, as best he could, upon the rights conferred by the Charter. In March 1815 he wrote of the 'judicial instructions' as 'nearly ready'. They

[1] 'He said something very like apology, but more of regret on his own account, to Lord Selkirk that he had it not in his power to offer him a seat in the Cabinet.' Countess of Selkirk to Lady Katherine Douglas, Mar. 25, 1812.

[2] Lady Selkirk to Lady Katherine Douglas, Mar. 25, 1812.

[3] Auld to Thomas, London, Mar. 29, 1815, *Selkirk Papers*, 1509.

[4] *Selkirk Papers*, vol. 44, 12004–12133.

[5] James Hughes, *Papers Rel. to R.R.S.*, 1819, p. 163.

[6] See p. 48.

were presented for the approval of the Colonial Office in June, only, however, to be consigned to the limbo of undecided causes, whence Selkirk and the Company, it will be seen, were powerless to effect deliverance.[1]

As the project developed, indications were not wanting that the North-West Company had influence in official circles in Great Britain as well as political and social predominance in the two Canadas. 'Lord Sidmouth', wrote Lady Selkirk,[2] 'has romance enough to believe that a man *may* have other than selfish motives for his actions.' Bathurst, however, did not scruple to pronounce the whole project 'wild and unpromising'.[3] The Government had granted a limited supply of arms for the defence of the settlement, but the affairs of the Company seem to have been relegated to the management of the Under-Secretary, Goulburn; and Goulburn in some mysterious but unmistakable way was in cordial touch with Ellice and the North-westers, while his correspondence with Hudson's Bay House seems to verge upon open hostility.[4] In 1814 Colin Robertson had written vehemently from Montreal of North-West counsels at Fort William. Selkirk hastened to apply to the Colonial Office for some 'measure not of vindictive justice but of precaution and police'.[5] He interviewed Bathurst in person. Bathurst, too impatient to master the details of what seemed to be a sordid commercial quarrel,[6] yielded to importunity if to nothing else. Instructions were sent authorizing the Governor of Lower Canada to 'furnish such protection and assistance as can be afforded without detriment to His Majesty's service'.[7]

Lack of decision, however, was evident. As late as April 17,

[1] See pp. 99–100, and Selkirk's *Letter to Lord Liverpool*, London, March 19, 1819, pp. 14–16.

[2] To Lady Katherine Douglas, Mar. 25, 1812.

[3] Interview with General Dunlop, Halkett to Selkirk, April 17, 1816, *Selkirk Papers*, 2197.

[4] *Selkirk Papers*, 6513, 1815, 1840, &c.

[5] Selkirk to Bathurst, Mar. 3, 1815, *Selkirk Papers*, 1476.

[6] 'The general conduct of the two Companies is not (as your lordship has been led to believe) alike on both sides and on both a tissue of illegal violence.' Selkirk to Bathurst, Mar. 3, 1815, *Selkirk Papers*, 1476.

[7] Bathurst to Drummond, Mar. 18, 1815. *Papers Rel. to R. R. S.*, 1819, p. 1. Bathurst wrote to Selkirk, Mar. 11, 1815, 'instructions have

1816, Selkirk's brother-in-law wrote of an interview with the Colonial Secretary in which Bathurst, unfamiliar with the legal aspect of the case, stated that 'Government was now desirous that the parties should bring the matter before some of the Law Courts in this country'. At the same time, it seems, Goulburn stated at another interview, that the question must be dealt with in Parliament: 'that Government did not want any Court of Law to agitate the question of the Crown Rights.'[1] There was even more pronounced discrepancy between the Colonial Office and the methods of Acting-Governor Drummond. Bathurst's instructions for protection and assistance were sent on March 18, 1815. In December, Goulburn excused the inactivity of the Colonial Office on the ground that any definite step would 'prejudge the whole question at issue'.[2] As early as July of the same year, Drummond, with less reserve, had already informed the Hudson's Bay representatives in Montreal that 'if the lives and property of the Earl of Selkirk's settlers are or may be hereafter endangered, that danger will arise principally from the conduct of Mr. Miles McDonnell'. 'He has assumed powers', the letter curtly continued, 'which cannot possibly, in his Excellency's opinion, have been vested in him, or any agent private or public of any individual or of any chartered body.'[3] In Montreal, Colin Robertson dined with the Acting-Governor and related to Selkirk how Drummond discussed Macdonell and the settlement familiarly with William McGillivray over their wine.[4] McGillivray, who had presided over the meeting at Fort William when 'the campaign' of 1815 was organized, was now a Legislative Councillor. Colin Robertson

been given to the Governor of Canada to give such protection to the Settlers at Red River as can be afforded without detriment to His Majesty's Service in other quarters.' *Selkirk Papers*, 1487. Bathurst's 'instructions', as a matter of fact, consisted in sending a representation submitted by the H. B. Co. 'I am induced to transmit it to you, in order that you may make the necessary inquiries as to the grounds of the fears expressed by them on this point; and in the event of your considering them to be founded, furnish such protection,' &c.

[1] Halkett to Selkirk, April 17, 1816, *Selkirk Papers*, 2197-8.

[2] Goulburn to Gov. H. B. Co., Dec. 29, 1815, *Selkirk Papers*, 1840.

[3] Col. Harvey (Drummond's Secretary) to Maitland, Auldjo & Co., July 18, 1815, *Papers Rel. to R. R. S.*, 1819, p. 15.

[4] Nov. 18, *Selkirk Papers*, 1796.

wrote of management 'by the intrigue of a *certain Company*'.[1] When the 'instructions' arrived from Bathurst, Drummond, with a simplicity as ingenious as it was obvious, consulted confidentially with his North-West councillor. The singularity of this remarkable document may justify quotation at some length. 'Sir Gordon Drummond', wrote the Governor's secretary,[2] 'feels that he cannot more strongly evince the high respect which he entertains for the heads of that most respectable body, and his perfect confidence in their candour and liberality of sentiment, than by the course he has not hesitated to adopt, in applying himself to *them* for the information which they assuredly possess the best means of affording, and which his Excellency is equally assured they are too honourable and conscientious to withhold.' McGillivray hastened to reassure His Excellency. 'I cannot but express', he wrote, 'the feelings of indignation to which this calumny gives rise. I deny, in the most solemn manner, the allegations whereon this shameful accusation is founded.' 'Under the guise and cloak of colonization', he wrote of Selkirk, 'he is aiming at and maturing an exterminating blow against their trade. Insinuations of alarm and false accusations form part of the system, and his agents and servants are probably instructed to bring them artfully forward, to raise prejudices against us.' 'Surely', the writer concluded, 'interested representation from such a quarter should be received with caution.'[3] While these avowals were being made by McGillivray in Montreal, the agents of the North-

[1] To Selkirk, Oct. 29, 1814, *Selkirk Papers*, 1253.

[2] J. Harvey, to William McGillivray, June 8, 1815, *Papers Rel. to R.R.S.*, 1819, p. 6.

[3] W. McGillivray to Lieut.-Col. Harvey, June 24, 1815, *Papers Rel. to R.R.S.*, 1819, 7–9. Colin Robertson's warning had been founded on the hostility of the N.-W. Co., but the H. B. Co. in representations to Bathurst had evidently confused the half-breeds with the native Indians. Bathurst's letter to Drummond therefore speaks of 'an attack from the Indian nations' (*Papers Rel. to R.R.S.*, 1819, p. 1). One cannot admire the quibble, but McGillivray's statement with regard to 'the Indian nations' was, of course, technically true. Cf. however, *Selkirk Papers*, 1866, D. Cameron to James Grant, Mar. 22, 1815: 'The cowardly Indians hereabouts can't be depended upon for any assistance.' That the winter partners tried to raise the Indians, Coltman (vide p. 86) says is 'established beyond a doubt' (*Report*, p. 161).

westers at Red River were completing the devastation of the farm-houses of the settlement; and while Selkirk was seeking protection against the North-West Company, the North-westers in London were assuring Goulburn that 'the motives imputed to them by Lord Selkirk are utterly unfounded', and that 'the members of that Company stationed in the interior of the North American Continent feel too much for the miseries already inflicted upon their unfortunate countrymen, the victims of his lordship's visionary speculations, to add by any action of theirs to the risks which those deluded emigrants undoubtedly run from the disputes which must arise between them and the Indians'.[1]

Drummond hastened to inform Bathurst that protection to the Earl of Selkirk's settlement was 'decidedly impracticable'. The expense, he wrote, would be 'enormous'. 'The first and unavoidable effect of this interference', he concluded, 'would, I conceive, be to involve us in an Indian war.'[2] One is at a loss to trace reasons for this unqualified conclusion, or to find for it a reasonable basis in actual fact. When the disastrous events of 1815 became finally known to the Hudson's Bay Company, Goulburn was already in possession of information of another colour and from other sources.[3] The settlers had reached Upper Canada, he was informed, 'in a state of great distress'. That they had suffered wrongs from the North-westers, there is no evidence that Goulburn entertained any misgivings. The letter to the Hudson's Bay Company closed with the curt information: 'That part of your Letter which relates to the Arms stated to have been seized by the Agents of the North-West Company will be transmitted to the Governor of Canada in order that the arms may be recovered for the public Service'.[4]

[1] North-West *Narrative of Events*, Appendix 59, McTavish, Fraser & Co., Inglis, Ellice & Co., to Goulburn, Mar. 18, 1815.

[2] *Papers Rel. to R.R.S.*, 1819, p. 4.

[3] In a letter to the Gov. of the H.B. Co., Oct. 14, 1815, Goulburn speaks of information from Drummond 'of the total dispersion of the settlement'. *Selkirk Papers*, 1815. Drummond's first intimation of the matter, in an official dispatch at least, was sent in a letter dated Quebec, Nov. 2, more than three weeks after Goulburn's letter was written. *Blue Book*, p. 22.

[4] Goulburn to Gov. H.B. Co., Oct. 14, 1815, *Selkirk Papers*, 1815.

Isolation and disaster might have proved fatal had not the reinforcements which Selkirk had already organized reached the settlement through two different channels in time to counteract failure. A Governor of Rupert's Land, accompanied by another party of settlers from Sutherlandshire, was to reach the settlement by way of Hudson Bay; while the trade of the Company was to be organized at Montreal with Canadian traders and French-Canadian *battailleurs*, to cope with the North-West Company, from their own headquarters, in their own territory, and by their own methods.

The expedition of 1815 proved to be in many ways the most fortunate of the Red River migrations. Robert Semple, the new Governor, was cultured, humane, something of a philosopher and *littérateur*, and a contributor to the Edinburgh reviews.[1] Of his fitness to rule in the lawless North-West, however, Selkirk could have had little opportunity of judging. Uneven judgement, coupled with over-confidence, might have passed untested in time of peace; but Semple took control at the most critical period in the history of the settlement. The 'expulsion' of the colony proved to be but the prelude; there was 'a storm . . . gathering to the Northward'.[2]

The voyage of 1815 proved to be the shortest, the most orderly, and the most promising hitherto undertaken to Hudson Bay. The settlers,[3] chiefly from Sutherlandshire, were of the race that had attracted Selkirk by their thrift and astonished Keveny by their unbending Presbyterian observance of Sunday. The utmost good-fellowship prevailed among the passengers throughout the voyage.[4] 'Perhaps the same number of people under the same circumstances never landed on a foreign shore in higher health and spirits.'[5] Semple arrived at York Factory on August 27, only to learn of the complete overthrow of the settlement at Red River. A little daunted by the 'lawless ferocity' of the North-westers, the Governor

[1] 'In many respects, a man of talents, and, from the attachment of his people, of an amiable disposition.' Coltman's *Report*, p. 191.
[2] Alex. Macdonell to Cameron, Mar. 13, 1816, *Selkirk Papers*, 9061.
[3] The names to be found in *Selkirk Papers*, 1659. See Canadian Archives Bulletin, *The Selkirk Settlement*, 1909.
[4] 'A single quarrel never occurred among them.' *Selkirk Papers*, 1664.
[5] *Selkirk Papers*, 1665.

thought discretion the better part of valour, and decided that redress was now to be sought from the British Government.[1]

Meanwhile the second expedition had been organized at Montreal. Colin Robertson had many of the qualifications for North-West leadership that Semple signally lacked. Despite the 'natural impetuosity of his mind',[2] he knew the North-westers and North-West methods.[3] His apprenticeship had been passed with John McDonald of Garth, the 'bras croché' of 'the Pemican War'. A quarrel had thrown him into the arms of the Hudson's Bay Company, and since 1813 he had been urging upon the directorate the necessity of fighting fire with fire. Robertson spent the winter of 1814 in Montreal, supplying Selkirk with information from Canadian head-quarters and organizing an expedition for 'the blow to be struck in the Athapasca' in the spring. One hundred Canadian traders and voyageurs were to carry the trade-war into the enemy's territory. Athabasca was the *El Dorado* of the North-West fur trade. It was for the Athabasca trade that the bois-brûlés prepared pemmican in Assiniboia, and that intermediate traders kept the water-route open through Selkirk's grant. The supremacy of the North-West Company had hitherto been undisputed. From this source was derived probably one-half of the entire profits of that company. The Hudson's Bay Company had been content hitherto to trade leisurely within the boundaries fixed by the Charter.[3] The directorate now resolved not only to exclude the North-westers from the bounds of Selkirk's grant, but to compete with their rivals on neutral territory for the richest spoils of the North American fur trade. Auld had by this time been superseded by Superintendent Thomas. John Clarke was to lead the Athabasca brigade. In the spring Colin Robertson, with an advance-guard of twenty men, left Montreal in express canoes. At Red River there was desolation on every side, except where John McLeod and the three men who had volunteered to remain with him had guarded the stores and wheat that had

[1] Semple to Selkirk, Sept. 20, 1815, *Selkirk Papers*, 1446.
[2] Selkirk to Semple, April 26, 1816, *Selkirk Papers*, 2213.
[3] See *Selkirk Papers*, 212, 245, &c.

escaped the North-westers at 'the expulsion', and had engaged a few freemen to begin the work of building a new Fort Douglas at a bend of the river a few hundred yards below the Forks.

Robertson pushed on at once to Jack River, where the fugitive settlers who had opposed the North-West Company in the spring were awaiting reinforcements from the Bay. They agreed to return to Red River, to start again from the ashes of their ruined farm-houses. Semple himself was quick to detect the response to a policy of confidence and energy. It was then remembered that the settlers, 'ready to fire'[1] in defence of 'Sheriff' Spencer, were restrained by the timidity, 'not to say cowardice', of their officers. 'The people believed that they had not law on their side.'[2] Semple, adopting this opinion, wrote to Selkirk of 'grossest mismanagement' with 'no pretensions to firmness'.[3] 'Colin Robertson with a few men changed the whole complexion of the business.' The settlers returned to the Forks. McLeod's fort was nearly completed, wheat was harvested, and preparations made for the party from the Bay. Early in the morning of November 3, Governor Semple and his party appeared at the bend of the river and put ashore at Fort Douglas. Despite the misfortunes of three winters and 'the expulsion' of 1815, the settlement had probably never known such a day of rejoicing. A prolific harvest of wheat dispelled all danger of privation for the ensuing winter. Buffaloes were never so plentiful. 'The Colours were hoisted,' wrote Semple, 'the guns were fired, at night we laughed and drank and danced, and now the serious Calculations of the Colony commence.'[4]

There was corresponding enthusiasm in the fur trade of the Company. The Hudson's Bay brigade under John Clarke left for Athabasca with imposing display and every confidence of success. Semple, forming his estimate of North-West enterprise from the 'miserable opponents' in the immediate

[1] *Selkirk Papers*, 2034. [2] Ibid., 2030.

[3] 'His own personal bravery was thus completely neutralized by the timidity, to give it the mildest term, of those admitted to his council.' Semple to Selkirk, Fort Douglas, Dec. 20, 1815, *Selkirk Papers*, 2724.

[4] Semple to Selkirk, Dec. 20, 1815, *Selkirk Papers*, 2721.

neighbourhood, wrote to Selkirk that he 'really did too much honour to this Crew in supposing them to be so formidable'.[1] Colin Robertson, who knew the temper of North-westers more intimately, had less confidence that the Governor's 'name and . . . presence would do everything'.[2] Auld, moreover, still intent upon 'feathering his own nest',[3] was now in touch with Ellice and the North-West Company.[4] 'I really believe, my Lord', wrote Robertson, 'that Auld has been one of the greatest enemies your Lordship ever had; I will not even except Strachan[5] and the N.-W. Co.'[6] Selkirk himself began to find at every point an insistent North-West influence which demanded all his energy, and drew heavily upon the resources of his private fortune.

Before Bathurst's reluctant consent to 'protection and assistance' for the settlement had been neutralized by Drummond's faith in the North-West Company, elaborate ordinances for the government of the Hudson's Bay territories were referred by the directors to the Colonial Office, with the request that they 'should be submitted to the consideration of His Majesty's Attorney and Solicitor-General for their opinion'.[7] The lack of anything like decision, or even adequate consideration, on the part of the Colonial Office has already been suggested. The opinion of His Majesty's law officers was never ascertained. It may not be out of place in following the course of events in Canada to keep in view the impotence of the Hudson's Bay Company consequent upon this fatal neglect. Six months after the ordinances were submitted another application was made to the Colonial Office, to which no reply was made for three months, and even then no decision was announced because the law officers of the Crown had not yet presented their report. Another year was allowed to pass, and the Hudson's Bay Company applied for information for the third time. They

[1] *Selkirk Papers*, 2723.
[2] Robertson to Selkirk, Nov. 12, 1816, *Selkirk Papers*, 3033.
[3] *Selkirk Papers*, 1829. [4] Ibid., 3033.
[5] See p. 37. Bishop Strachan's *Letter to the Right Hon. Earl of Selkirk on his Settlement at the Red River near Hudson's Bay*. London, 1816.
[6] Robertson to Selkirk, Jan. 1, 1817, *Selkirk Papers*, 3037.
[7] May and June, 1815; see *Letter to the Earl of Liverpool*. London, Mar. 19, 1819, p. 14.

were informed that the crimes which had been committed in the meantime would come to trial in due course, and the whole problem would 'in all probability come under the cognizance of the Courts before whom the trials take place'.[1] 'No precaution was to be taken to prevent future outrages', wrote Selkirk, 'till after it had been ascertained who were really guilty of the Past.'[2] 'The trials', it will be seen, included those for the death of Governor Semple and twenty men of the settlement that had taken place in the interval; and the 'Courts' included the King's Bench in Lower Canada, of which two of the judges were connected with the North-West Company.

During the establishment of the new régime, Selkirk had never relinquished his purpose of visiting Assiniboia in person. He had few staunch allies, however, in the Hudson's Bay Company, upon whom he could rely for delicate negotiations with the Colonial Office and for incessant vigilance against Ellice and the North-westers.[3] It was known in the summer of 1815 that Selkirk would be in Montreal during the following winter, and would take the route by the way of the Great Lakes for Red River in the following spring.[4] Selkirk himself, Lady Selkirk, now thoroughly in touch with the Red River enterprise, and their two children, left Liverpool in September and reached New York only to hear of the dispersion of the settlement. The seriousness of the situation became apparent at Montreal. The firm [5] which had been engaged to represent the Hudson's Bay Company experienced something like a social boycott through North-West influence.[6] Selkirk found McGillivray's 'arrogance and violence'[7] and Drummond's 'unaccountable prepossession' in favour of the North-westers

[1] Goulburn to H.B. Co., Jan. 16, 1817.
[2] *Letter to the Earl of Liverpool*, p. 17.
[3] 'I was very much annoyed at Sir James Montgomery not going to the meeting. When a man's friends express themselves as he does on that subject, it is no wonder that strangers like Lord Bathurst should consider the scheme wild and romantic.' *Letters from Jean, Countess of Selkirk, to Lady Katherine Halkett*, June 29, 1819, p. 175.
[4] Selkirk to Macdonell, Mar. 23, 1815, *Selkirk Papers*, 1501.
[5] Maitland and Auldjo.
[6] Colin Robertson to Selkirk, *Selkirk Papers*, 1797.
[7] Selkirk to Berens, Nov. 18, 1815, *Selkirk Papers*, 1939.

in evidence at every turn; he wrote bitterly to Berens of Goulburn's fatal influence at the Colonial Office. 'Among all the Gentlemen who are connected with the H. B. Co.', he wrote, 'there must surely be enough of weight to prevent an under Secretary from throwing aside our representations as waste paper.' It was only through the mediation of John Richardson that Selkirk found an opportunity of negotiating with the North-West Company.[1] His other mission in Canada, the adequate protection of the settlement pursuant to Bathurst's instructions, failed altogether, it will be seen, through Drummond's opposition.

Selkirk quickly found that the negotiations with the North-West Company were far from seasonable, and were from the first doomed to failure. The Hudson's Bay Company was willing to submit matters in dispute to arbitration, but with never a thought of relinquishing the rights of their Charter, A coalition might have proved possible; a division of territory, as suggested by the North-westers, on a basis of competition and equal rights, 'had never presented itself', even as a possible solution of the difficulty.[2] The North-West Company pointed out, on the other hand, that if by arbitration the Hudson's Bay rights were upheld, the North-West Company would be driven from the field; if destroyed, the Hudson's Bay Company 'would still as British subjects remain entitled to equal rights with the other Company. Thus, under the specious exterior of an arbitration, the North-West Company would be risking a substance in pursuit of a shadow.'[3] There is a frank statement that the North-West Company held the field and 'will not depart unless by legal compulsion'.[4] 'I cannot speak with gravity', replied Selkirk, 'of the notion which seems still to be entertained of the importance of a recognition of this Charter. Really, the

[1] Selkirk had been given full powers by the Hudson's Bay Company to enter into negotiations for a union, or at least an arbitration, with the North-westers.

[2] *Selkirk Papers*, 217.

[3] N.-W. Co. to Selkirk, Dec. 27, 1815, *Selkirk Papers*, i. 254. 'The same agreement (*sic*) is applicable to a Judicial investigation before a Court of Law.' Ibid.

[4] *Selkirk Papers*, i. 255.

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N.-W. Co. might as well expect a valuable consideration for recognizing the title of the House of Brunswick. Their consent is of as little moment in one case as in the other.'[1] Nothing remained but 'to abandon further negotiations . . . as hopeless'.[2]

Selkirk found the opposition no less uncompromising to the protection of the settlement by the Canadian Government. Drummond had already expressed his opinion to the Colonial Office: any aid to the Red River settlement was 'decidedly impracticable', could be afforded only at 'enormous expense', and 'would . . . involve us in an Indian war'.[3] Selkirk, excluded from the inner counsels of the Government, urged Bathurst's instructions in vain. The truth was that both to Bathurst and to Drummond the acquisition and title of the West was of trifling importance. Colin Robertson's enthusiasm was almost unintelligible. Semple took occasion to 'repeat most strongly' the 'political advantages of a really important territory'.[4] Colonel McDouall, commanding at Michillimackinac, had noticed the importance of the settlement on Red River 'in a national point of view'—'an opinion', added Selkirk, 'which exactly coincides with the views upon which I acted'.[5] 'It is a very moderate calculation', writes Selkirk in his *Sketch of the Fur Trade*, 'to say that if these regions were occupied by an industrious population they might afford ample means of subsistence to more than thirty millions of British subjects.'[6] The North-westers took a different view. They referred jocularly to the 'Bible Peer' as being 'governed by the Moon'. McGillivray referred contemptuously to poverty-stricken settlers in a wilderness, and Goulburn suggested derisively the folly of sending troops to protect a few hundred settlers 'so remote from His Majesty's other posses-

[1] Selkirk to Mure, May 1, 1816, *Selkirk Papers*, 2227.
[2] *Selkirk Papers*, i. 256.
[3] *Papers Rel. to R.R.S.*, p. 4.
[4] Semple to Selkirk, Dec. 20, 1815, *Selkirk Papers*, 2729.
[5] Selkirk to McDouall, Mar. 30, 1816, *Selkirk Papers*, 2126. Cf. also Selkirk to Sherbrooke, *Selkirk Papers*, 2346.
[6] *Sketch of the British Fur Trade in North America; with Observations relative to the North-West Company of Montreal.* London, 1816, second ed., p. 124.

sions'.[1] Selkirk had much difficulty in obtaining permission to take a personal guard of fifteen men at his own private expense, under strictest orders to act only for his own protection against assassination and robbery.[2] 'I beg to apprise your Lordship', added Drummond, 'that with the view of removing any alarm which the measure may excite in the Gentlemen of the North-West Company at Montreal, I shall feel it incumbent on me to explain to them my motives in detaching even this small party.'[3] Selkirk hastened to give the 'fullest assurance', and the North-West Company, true to traditions of policy and influence, hastened to file a demand for a similar military escort 'against robbers and assassins'. A month later Selkirk was summarily informed that the Meuron regiment, from which his guard was to be taken, had been disbanded, and 'His Excellency regrets that he has not the means of relieving them by a similar party from any other corps'.[4] Thus ended for the time the agitation to procure protection from the Government. The new régime had resulted in enthusiasm at Red River, in every prospect for the material prosperity of the settlement, but in complete failure to procure from Government either a practical decision upon the scope of the Charter, or such protection meanwhile for the settlers as would have avoided collision and bloodshed during the following spring.

[1] 'Which there is some reason to believe may be even yet less populous.' Goulburn to H. B. Co., Dec. 29, 1815, *Selkirk Papers*, 1840.

[2] 'On no account to be left in the Upper Country beyond the period of your own continuance there, or to be employed in any other way than in the Protection of Your Lordship's Person and Personal Property against Assassins or Robbers.' Drummond to Selkirk, Mar. 15, 1816, *Selkirk Papers*, 2085.

[3] Mar. 15, 1816, *Selkirk Papers*, 2086.

[4] J. Harvey to Selkirk, May 14, 1816, *Selkirk Papers*, 2249. The 'Regiment de Meuron' was so called after its commanding officer during the War of 1812.

CHAPTER VII

'THE ANCIENT NORTH-WEST SPIRIT'

A FEW of the wiser partners in the North-West Company had the foresight to know that the dispersion of the colony in the spring of 1815 was not to be the end. Rumours of reinforcements under Semple and the approaching visit of Selkirk himself had been circulated from Montreal to Qu'Appelle. There had been misgivings even at the regular summer conference at Fort William. None saw more clearly than Alex. Macdonell and Duncan Cameron themselves the incompleteness of their work. Already in October, Macdonell found the spirits of the North-westers 'entirely low'. Robertson at the Forks was aggressive and confident. 'Freemen and all look upon them as entire conquerors.'[1]

The North-West 'campaign', as might have been expected, began with a systematic attempt to arouse the half-breeds. It will not be necessary to trace this hazardous enterprise in detail. The evidence appears to be overwhelming. When Alexander Macdonell arrived at Qu'Appelle in the autumn he already had more than forty Canadian freemen and half-breeds under control. Macdonell led one detachment with colours flying; Cuthbert Grant, who led the other, had been 'appointed Captain-General of all the Half-Breeds in the Country'.[2] The freemen, however, were 'sharks', and 'very unreasonable'.[3]

[1] Alex. Macdonell to Duncan Cameron, Oct. 23, 1815, *Selkirk Papers*, 1883.

[2] James Sutherland's *Narrative*, 1815–16, *Selkirk Papers*, 1947. Macdonell in his letter to Duncan Cameron, Oct. 23, 1815, mentions 'the young De Champs' as newly won adherents from the H. B. C. Sutherland states especially that threats of the North-westers ('would all join Grant early in the spring to sweep R. R., of all the English') 'so frightened François De Champs, a half-breed that had been with us all winter, ... that he deserted to the N.-W. House'. The Deschamps distinguished themselves by their ferocity at Seven Oaks.

[3] Hugh McGillis to N.-W. Agents, *Selkirk Papers*, 1870. Letters seized by Colin Robertson at the Forks, Mar. 19, 1816.

That it required much concerted action on the part of North-West partisans and much stimulus to arouse the courage of the 'New Nation' to the sticking-point, seems to be established beyond reasonable doubt. 'The Freemen are *all*... Rascals,' wrote Macdonell in March, 'and a few of the half-breeds little better.'[1] The half-breed flag was first displayed, it seems, on the arrival of Alex. Macdonell from the Forks. Agents were soundly berated in the spring for lack of success as North-west recruiting officers.[2] By March, however, the half-breeds were thoroughly under North-West control. 'I am happy to inform you', wrote Cuthbert Grant, 'that they are all united and staunch and ready to obey our commands.'[3] The actual muster for the 1816 'campaign' will be noticed with the events of the following June. The North-West Company had evidently more than held their own during the winter.

From the standpoint of the fur trade, the Hudson's Bay Company had fared disastrously. The chief superintendent had expressed some doubts of Clarke's fitness for command. Even North-westers were amazed that a trader should leave Lake Athabasca with a brigade of eight canoes, fifty men, and six clerks, 'without a mouthful of provisions . . . except what a Muskegon Indian they brought with them could procure them'.[4] In ordinary seasons, game was to be obtained in abundance. The winter of 1815, however, was a disastrous exception—'a circumstance hitherto unknown'. Even the North-westers had difficulty in eking out an existence. 'We would have starved most completely,' wrote the North-wester

[1] *Selkirk Papers*, 1864. It is to be remembered that the utmost secrecy and circumspection had been enjoined upon the winter partners. 'Do not for God sake commit yourself in either action or writing.'—Kenneth McKenzie to Duncan Cameron, Aug. 27, 1815. 'You will require to be very careful this year in your actions respecting H. B. People.' The incriminating letters were unceremoniously captured by Colin Robertson in March, but Selkirk, while perfectly convinced of the motives of the N.-W. Co., probably considered it unwise to advertise the way in which his information was acquired.

[2] *Selkirk Papers*, 8890, 8942, &c.

[3] Cuthbert Grant to J. D. Cameron, River Qu'Appelle, Mar. 13, 1816, *Selkirk Papers*, 8898.

[4] John McGillivray to Wm. McGillivray, Jan. 17, 1816, *Selkirk Papers*, 9145.

John McGillivray, 'were it not for the Dried provisions collected in the Summer.'[1] There were many instances of improvidence among the Hudson's Bay traders, and one or two of customary timidity.[2] On the whole, the North-westers, long since accustomed as they had been by daring and good management to carry supremacy in trade with a high hand, were astonished to find such 'perseverance' and 'fidelity' in their rivals as they had never encountered in the fur trade.

The winter of 1815–16 proved to be one of the most disastrous probably in the history of the Hudson's Bay Company. The North-westers, as usual, were first in the field. The Indians were lured or sent away, all provisions were bought up, and the winter's campaign was planned with all the strategy that had been a tradition in the Canadian fur trade since the days of rivalry with the X Y Company. William McGillivray in Montreal had summoned the winter partners to their utmost exertions. 'The H. B. Company, you see,' he wrote to Duncan Cameron,[3] 'intend to oppose us seriously in our own way. I hope the ancient *North-West spirit will rouse with indignation.*' The result was a tribute to McGillivray's generalship. At Chippewyan Hudson's Bay traders contrived to subsist. At Île à la Crosse they secured food but no trade. At Great Slave Lake they obtained provisions from the North-westers only by the surrender of all their stores for a year.[4] On the Peace River fourteen men, one boy, and one woman perished from hunger. With the approach of spring the North-westers had completely re-established themselves in the esteem of the natives, and could turn their attention to the affairs of the settlement.

The winter at the Forks had been passed in strange contrast to that of the preceding year. Duncan Cameron was no longer master of the situation. Colin Robertson had begun, even before Semple's arrival, by arresting Cameron and making every preparation as though to send him to the Bay for transportation to England. The canoe, according to

[1] *Selkirk Papers*, 9146. [2] Ibid., 8641.
[3] May 6, 1815, *Selkirk Papers*, 9170.
[4] Bird to Selkirk, North H. B. District, Aug. 12, 1816, *Selkirk Papers*, 2532.

Cameron's story, was actually passing Fort Douglas on the way to York Factory when the prisoner was released and allowed to resume command at Fort Gibraltar.[1] The incident may have had a salutary effect. Cameron was advised by the winter partners 'to be very careful . . . respecting H. B. people'; he might be 'taken to York to be tried by a Jury of Norwegians and Laplanders'.[2] Robertson carried affairs at the Forks with a high hand. His diary for the winter[3] shows a curious mixture of resolution, adroitness, ruthlessness, and self-reliance. On March 31, Semple came down from Pembina and measures were concerted for the spring.

There is evidence that Semple and Robertson were finding it difficult to co-operate. It was common knowledge in the colony that they 'were not upon terms of intimacy'.[4] In April, disagreement became more acute, for events which had taken place in March now forced them to decide anew what should be their policy for the summer. On the evening of March 19, Colin Robertson with fourteen men had marched to Fort Gibraltar, arrested Duncan Cameron for the second time, and carried him off to Fort Douglas. On the table was found a letter to James Grant that foreshadowed the gravest danger for the settlement. 'I wish', Cameron had written, 'that some of your *Pilleurs* who are fond of mischief and plunder would come and pay a hostile visit to these Sons of Gunpowder and riot, they might make a very good booty if they went cunningly to work.'[5] Suspecting the worst, Robertson now stopped the winter Northern Express of the North-West Company and without ceremony made himself master of the contents. 'Such was not known till the days of Robertson', wrote one of the North-West partners.[6] Robertson found his worst suspicions confirmed. The nature and magnitude of the North-West campaign was established

[1] *Selkirk Papers*, 8861.
[2] James Hughes to D. Cameron, Jan. 1816, *Selkirk Papers*, 8831.
[3] *Selkirk Papers*, 1711 et seq.
[4] Alex. McDonell to Selkirk, *Selkirk Papers*, 2737. See p. 111, note 1.
[5] *Selkirk Papers*, 8774.
[6] See 'Extracts from letters found in Winter's Northern Express', *Selkirk Papers*, 1870; Laughlin McLean to Robt. McRobb, June 1, 1816, *Selkirk Papers*, 8583, &c.

beyond a doubt. 'A more complete disclosure of plans of deliberate Villainy', wrote Semple, 'has never yet met my eye.'[1] With full faith in Selkirk's title to the land and 'all its concomitant rights',[2] the Governor refused to recognize the North-westers as equals or even as legitimate rivals. Colin Robertson was still more radical. He advocated sending Cameron immediately a prisoner to the Bay, the demolition of one of the two forts at the Forks, and the gathering of the settlers in the other for mutual protection. Semple, nevertheless, still clung blindly to half-measures, and the coolness between the two deepened into an open quarrel. The Governor, apprised of the preparations against the settlement, yielded a point. Fort Gibraltar was demolished, the stockades were drawn up to be taken in rafts down to Fort Douglas, and what remained was burnt to the ground. The same day, June 11, 'Lord Chesterfield', as Robertson was popularly known among the North-westers, left the settlement at open variance with Semple, and took his prisoner down the river towards York Factory.[3] 'I had no participation', Robertson afterwards wrote, 'in suggesting or approving those incautious measures, which had a great tendency to produce the second destruction of the Colony.'[4]

Semple had not mistaken the nature of the blow to be struck against the settlement. 'The new nation under their leaders', wrote Alexander Macdonell, 'are coming forward to clear their native soil of intruders and assassins.'[5] At Moose Lake the half-breeds were urged to 'join in extirpating those Miscreants out of the Country'.[6] At Qu'Appelle, Shaw was

[1] April 12, 1815, *Selkirk Papers*, 2180.

[2] Selkirk to Robertson, *Selkirk Papers*, 1286. . . . 'In the same manner as proprietors of land in any other part of the British Dominions.'

[3] Selkirk himself wrote from Montreal in Dec. 1815, 'I have to entreat your most particular attention to secure the persons of D. Cameron and Alex. Macdonell.' *Selkirk Papers*, 1895.

[4] *Selkirk Papers*, 4339. Semple apparently considered it impossible to defend both forts, and disastrous to allow the North-westers to fortify themselves at Fort Gibraltar in full command of the river communications. See Fidler's *Narrative*, *Selkirk Papers*, 2523.

[5] Ibid., 1468.

[6] J. D. Campbell to Edw. Harrison, Cumberland House, *Selkirk Papers*, 8782.

'collecting all the half-breeds in the surrounding Departments, and . . . ordered his friends . . . to prepare for the field'.[1] 'Little do they know', wrote Alexander Macdonell, 'their situation last year was but a joke.'[2] 'You will see some sport in Red River before the month of June is over.'[3] 'It must end', said Laughlin McLean, 'in some sickly work at the long run.'[4] It will not be necessary to trace further the mobilization of the half-breed forces. As early as March, it has been noticed, Grant considered his men 'all united and staunch'.[5] 'It is hoped', he told Cameron at Qu'Appelle, 'that we shall come off with flying colours and never see any of them again in a Colonizing way in Red River.'[6] There can be no doubt that Semple expected the most violent measures and took his precautions accordingly.

Early in May, Cuthbert Grant, with about fifty half-breeds, began by surprising a brigade of six bateaux descending the Assiniboine from Qu'Appelle towards Fort Douglas, laden with furs and provisions. The half-breeds lay in ambush at the end of a portage, carried off one or two of the Hudson's Bay men as prisoners, and used the pemmican as provisions for the expedition against the settlement.[7] On June 1, a party of forty-eight half-breeds, 'singing and dancing', with drums and war-paint, marched to Brandon House. Doors were broken open, windows were cut out, stores were seized and carried away, 'in great triumph'. The half-breeds took 'even the Grind stone'.[8] At Portage la Prairie reinforcements came in from outlying posts, and the expedition began to move down the river towards the settlement.

The actual events at the Forks must be sifted from a mass of conflicting evidence. The object of the expedition, however,

[1] 'God only knows the result.' A. Macdonell to J. D. Cameron, *Selkirk Papers*, 1864.

[2] *Selkirk Papers*, 1468. 'I remark with pleasure the hostile proceedings of our neighbours: I say pleasure, because the more they do the more justice we will have on our side.'

[3] *Selkirk Papers*, 1864.

[4] June 1, 1816, *Selkirk Papers*, 8585. Cf. also John McTavish to Archibald McLellan, Montreal, May 29, 1816, *Selkirk Papers*, 8587, &c.

[5] *Selkirk Papers*, 8896. [6] Ibid., 8898.

[7] James Sutherland's *Narrative*, *Selkirk Papers*, 1951.

[8] See Fidler's *Narrative*, *Selkirk Papers*, 2521.

seems to admit of no question. 'After various consultations,' wrote A. N. McLeod, Robert Henry, and John McLaughlin, Winter partners, from Fort William, to Grant and Morrison in the interior, 'we have come to the resolution of forwarding an express to you to request you will as soon as possible assemble as many of the Indians as you can by any means induce to go to the Red River to meet us there.[1] . . . Possibly and most probably their appearance may suffice, but in any case they shall be well and fully recompensed for their trouble. . . . We shall be in Red River about the 17th of June.' Letters from Robert Henry are even more conclusive. 'I would not be surprised', he wrote to his uncle,[2] 'if some of us should leave our Bones there. If it comes to a Battle many lives must be lost.' The Fort William expedition, as it happened, was delayed, and reached the Forks only on June 22, 'three days after the Battle.' 'I thank Providence', wrote Henry, 'that the Battle was over before we got there, as it was our intention to storm the Fort.'[3]

The plan of operations was evidently concerted in some detail. Cuthbert Grant's purpose was to pass the fort, cut off stragglers, effect a junction with the North-West forces ascending the river under McLeod, and act under his orders against Fort Douglas. No other plan of campaign seems to explain at once the actual movements of the half-breeds in leaving the river banks and the determination of Semple to stop their progress, when it seemed possible for the time to avoid conflict by remaining within the fort.

On June 19 the half-breeds reached Catfish Creek on the north bank of the Assiniboine, four miles above Fort Douglas. Early in the evening, after a council of war, they left the river bank, taking a line of march over the plain about two miles from the Forks. About 6 o'clock, the party, 'painted and disguised', was sighted by a boy on the watch-tower of Fort Douglas. After some confusion and a hurried consultation,

[1] 'We also mean to take a few of the Lac la Pluie Indians with us: we shall and will be guarded and prudent, we shall commit no extravagancies but we must not suffer ourselves to be imposed upon.' . . . *Selkirk Papers*, 8612.

[2] Alex. Henry, June 13, 1816, *Selkirk Papers*, 8727.

[3] 'Our party consisted of about 100 men, 70 fire arms, and 2 field pieces.' *Selkirk Papers*, 8729.

Semple left Alexander McDonell[1] in charge of the fort and marched out with about thirty men along the colony road, near Main Street of the city of Winnipeg, almost parallel to Grant's line of march, and between the half-breeds and the river.

About one-half mile from the fort Semple saw the formidable numbers and attitude of his opponents. He sent one of the colonists back to McDonell for a fieldpiece and reinforcements, but pushed on without awaiting their return. On the way a few panic-stricken settlers were met in flight to Fort Douglas, and may have confirmed the idea that the half-breeds were about to seize the settlers in their fields and demolish 'the settlement'.[2] When Semple's party came into view, Grant turned and led his men obliquely towards the colonists and the river to the left, while another detachment rode directly towards the river to outflank the settlers on the right. Semple soon found himself surrounded 'in the shape of a half-moon or half circle'. Both parties, however, were still moving away from Fort Douglas when a Frenchman, Boucher by name, rode out from the half-breed ranks, 'waving his hand and calling out in broken English'. There was an effort on the part of the settlers to deploy into the open plain, but the half-breeds by this time had turned and were quickly driving the settlers back upon the open river. The Governor and Boucher were soon at close quarters engaged in an angry discussion. Semple, with amazing rashness, seized his opponent's rifle. Boucher quickly dismounted. There was a shot and then a general fusillade. The first to fall was Lieutenant Holte of the colony, but 'in a few minutes', says Pritchard, 'almost all our people were either killed or wounded.' Many of the wounded were shot dead and many of the dead were mutilated with knives. Semple's thigh was broken early in the skirmish. Grant spared his life, and left him in charge of

[1] 'Sheriff' after Spencer's arrest; to be distinguished from the Northwester of the same name.

[2] Pritchard notes that most of the settlers slept within the stockade of Fort Douglas. Several had already been taken prisoners on their farms before the skirmish at Seven Oaks. According to McPherson's *Narrative*, one of the half-breeds stated that their orders were 'to surprise and take prisoners as many of the settlers as they could find upon their fields so as to reduce the force of the Governor.' *Selkirk Papers*, 2673.

a French-Canadian; but an Indian, seeing the Governor down, 'shot him in the breast and killed him on the spot'. Only one of Grant's men fell in the engagement. Of the settlers no less than twenty-one were killed, the rest were taken prisoners or escaped by concealment after nightfall or by swimming the river.[1] Many of the bodies were stripped; some were barbarously mutilated; the half-breeds carried off as plunder even the blood-stained clothing.

As darkness fell, Grant pitched his camp at the Frog Plains

[1] There is the usual conflict of evidence regarding the first shot and the responsibility for the whole engagement. The North-westers to a man blamed Semple, justly it would seem, for precipitating the 'battle'; and there seems to be little doubt that the first shot was fired, perhaps accidentally, by one of the settlers, who was 'checked for his carelessness by the Governor', some time before the parties came to close quarters. The first to fall in the actual engagement was Lieutenant Holte of the settlement.

The chief depositions relating to the engagement and subsequent events at Seven Oaks are those mentioned in the *Hudson's Bay Blue Book*, 1819; Pritchard's *Narrative*, *Selkirk Papers*, 2597; Donald McPherson's *Narrative*, substantially the same as Pritchard's, *Selkirk Papers*, 2512, &c. Evidence and cross-examination was amassed in endless detail during the subsequent trials at York. See Amos's *Report of Trials in the Courts of Canada*, London, 1820. A letter from Simpson (afterwards Sir George Simpson) to Colvile, six years after 'Seven Oaks', throws an interesting light upon the skirmish itself and upon the character of Cuthbert Grant. 'There I met the celebrated Cuthbert Grant.... This Young Man I met as if a stranger to his character, and had occasion to see a good deal of him.... In the course of our Journey, Grant opened his situation to me, but no fresh light could be thrown upon the unfortunate affair of 19th June; he denies in the most solemn manner any previous intention of Collission (*sic*) and assured me that the melancholy catastrophe was entirely the result of the imprudent attack made upon them by Mr. Semple's party, and once the Indian blood was raised his utmost efforts could not arrest the Savage Revenge of his associates.... From his feeling to the McGillivrays I am satisfied he would come out with all he knew if he had anything of importance to say.... Grant is now about 25 Years of Age, an active clean made fellow, possessing strong natural parts and a great deal of cool determination; his manners are mild and rather pleasing than otherways. He admits that he was made a tool of by A. McDonell and being a very young man at the time thought it his duty to execute or even anticipate the wishes of his Superior whether right or wrong.... The half-breeds and Indians of this part of the Country look up to him with great respect, indeed there is not a man in the Country possesses half the influence over them.... I am therefore of opinion that it might be policy to overlook the past and if you did not object to it he might be smuggled quietly into the Service again.' Simpson to Colvile, Fort Garry, May 20, 1822, *Selkirk Papers*, 7587 et seq.

The signatures of Cuthbert Grant and John Pritchard appear together on the same page in the *Minutes of the Council of Assiniboia*, Canadian Archives.

below the settlement and lost no time in pursuing his advantage. Pritchard, who had been taken prisoner by Grant, 'entreated him to take compassion' on the women and children in Fort Douglas. Grant replied that 'the attack would be made upon it that night, and, if a single shot were fired that would be a signal for the indiscriminate destruction of every soul'. Pritchard, thoroughly alarmed by the ferocity of this barbarous warfare, carried Grant's message to the Fort. McDonell at first refused to surrender, but the settlers thought of their defenceless families, and McDonell went to the Frog Plains to arrange terms, leaving his subordinate to draw up a full inventory of property at Fort Douglas. 'The fort', says Pritchard, 'was delivered over to Cuthbert Grant, who gave receipts on each sheet of the Inventory, signed Cuthbert Grant, clerk of the North-West Company, acting for the North-West Company. I remained at Fort Douglas till the evening of the twenty-second, when we proceeded down the river, on our way to Hudson's Bay.'[1] Alexander Macdonell, the North-West partner who had organized this 'storm to the Northward', was awaiting results at Portage la Prairie. He received the news with almost incredible exultation. 'The gentlemen present all shouted with joy.'[2] Macdonell rode to the Forks and took command at Fort Douglas.

McLeod, Henry, and McLaughlin, it has been noticed, were judiciously late for the junction with the Assiniboia brigade on the 17th. The Fort William expedition reached the Red River on June 22, 'three days after the Battle'. On the way up the Red River they met the settlers descending towards Lake Winnipeg, in bereavement and despair. McLeod stopped the colonial boats and enforced his instructions to Grant and Morrison[3] by searching for papers and rifling the boxes of the

[1] *Report of the Proceedings connected with the Disputes between the Earl of Selkirk and the North-West Company at the Assizes held at York in Upper Canada, October 1818*, London, 1819, pp. 122–3.

[2] Pambrun's testimony in Amos's *Trials*, pp. 73.

[3] 'La Gimonier is again to pass thro' your Department on his way with letters to the Red River. As a precautionary measure he must absolutely be prevented proceeding or forwarding any letters, he and the men along with him and an Indian guide he has must be sent with their budget to this

late Governor.[1] The settlers were at length re-embarked and sent down the river towards Hudson Bay, in such despair as they had never known, and in terror of even more inhuman treatment. The North-westers ascended the river to Fort Douglas, where McLeod took command to the salute of small arms and fieldpieces. The bois-brûlés were 'well and fully recompensed' in the spirit of McLeod's promise.[2] At Fort William were found the lists of half-breeds to whom 'habilliments'[3] were issued at Red River in June. Old Deschamps was praised for his valour with knife and rifle at Seven Oaks. Festivities were held in the Governor's quarters. McLeod made complimentary speeches to the 'New Nation'. The Athabasca brigade went down the river again towards Grand Rapids with enthusiasm after the summer's campaign. The story of 'Seven Oaks' appeared in rude verse that was sung by the *voyageur chantant* long after 'the coalition' had put an end to the rivalry between the two companies.

place here to await the result of future proceedings.' McLeod to Grant and Morrison, June 2, 1816. *Selkirk Papers*, 8610.

[1] *Papers Rel. to R.R.S.*, 1819, p. 199; *Selkirk Papers*, 3327, &c.

[2] Ibid., 8612.

[3] Rewards of special services as distinct from *equipments* as regular employees.

CHAPTER VIII

'THE GREAT MISTAKE'

SIR GORDON DRUMMOND'S tenure of office expired in May 1816, and Selkirk looked not in vain to his successor Sir John Sherbrooke for signs of less ingenuous intimacy with the North-West Company. Lady Selkirk, clever, energetic, and capable, quickly created a powerful social circle in opposition to the North-West bureaucracy. At Montreal, Selkirk and the Hudson's Bay Company enjoyed an unexpected popularity. At Quebec, Lady Selkirk became a favoured guest at the Castle of St. Louis, and directed the affairs of the settlement so effectively in Selkirk's absence that McGillivray found the tables completely turned.[1] Even in details of policy and management it is not difficult to trace the growing reliance which Selkirk placed upon the clear-headedness and sound judgement of his wife. Their correspondence affords a pleasing relief from the gloom of an unequal struggle. Early in June, Selkirk prepared to leave for Red River, Lady Selkirk remaining in Montreal, probably the most sagacious exponent the Hudson's Bay Company had at Canadian head-quarters.

The disbanding of the Meuron regiment, the ostensible occasion for the refusal of a military escort, seemed at the time a fatal misfortune. 'We have now fully ascertained', wrote A. N. McLeod, on his way to meet the bois-brûlés at Red River, 'that he has no more the support or protection of the Government than we have.'[2] Selkirk, forced at last to rely upon his own resources, devised in return an effective

[1] 'What an unfortunate trade we have got into, hemmed in . . . by a set of unprincipled Agents of a Government on one side and by a speculating Nobleman on the other—Equally as it appears bent on the same object—to exclude Canada and Canadian subjects from this too famous trade.' W. McGillivray to John Johnson, July 18, 1816, *Selkirk Papers*, 2454.

[2] McLeod to Grant and Morrison, June 2, 1816, *Selkirk Papers*, 8610.

plan to afford both protection and reinforcements for the settlement; he induced a few of the ablest officers and about a hundred men of the two disbanded regiments to settle at Red River. Steps were taken to secure arms across the border and to convey them quietly into Upper Canada without arousing the suspicions of the North-westers. Early in May, Miles Macdonell, now liberated from custody,[1] was sent in advance, in command of three or four canoes, with instructions to proceed with every precaution in order to avoid the North-westers, and to act as second in command to Colin Robertson at the settlement till Selkirk's arrival.[2] Captain Matthey, with a detachment of seventy men, left Lachine early in June. By the 17th, Selkirk himself was ready to embark. It seemed that the winter's work would not be fruitless. Selkirk was made a Justice of the Peace for the Indian Territories. He even procured from Sherbrooke a General Order for a personal escort of seven regulars from Drummond's Island.[3] At Montreal the Hudson's Bay Company were never so enthusiastic. At Fort William the North-westers were never so dispirited. 'I really wish I was decently out of it,' William McGillivray wrote of the Canadian fur trade, 'although I shall never submit to be kicked out of it by any Lord or Commoner in the King's Dominions.'[4] There were 'high words' at Fort William between McGillivray and some of the winter partners. A challenge passed, and it was with difficulty that bloodshed was avoided. McGillivray began to find that 'policy' was a much more dangerous expedient than 'authority'. 'Every neutral person', wrote J. D. Cameron, 'thinks we are in the wrong.'[5] Selkirk, still ignorant of the disaster of June 19, was hopeful and energetic. Early news from the settlement had reached him by the Canadian runner Lagimoniere, who had evaded the most careful measures of the North-westers to intercept his dispatches.

[1] An account of the litigation between the two companies will be found in Chapter X.
[2] *Selkirk Papers*, 1894.
[3] May 29, 1816, *Selkirk Papers*, 2313.
[4] McGillivray to Johnson, July 18, 1816, *Selkirk Papers*, 2454.
[5] *Selkirk Papers*, 2377, July 14, 1816.

Selkirk had 'reason to expect every obstruction' from the North-West Company between Lake Superior and Red River,[1] and every hope of evading the North-westers by a route through Fond du Lac, River St. Louis, and Red Lake.[2] Once he reached Red River, the future of the settlement seemed assured.

It was at the Sault Ste. Marie that the news of 'Seven Oaks' shattered these 'pleasing visions' of a future province.[3] Miles Macdonell had received word only at Lake Winnipeg that the North-westers were in possession at the Forks. He returned with all haste, to apprise Selkirk that speed and secrecy would be unavailing. Of Selkirk's original intentions there can be no doubt. As early as April 25 he had informed Colin Robertson of his decision 'to take some other road rather than the ordinary one which they frequent and by which they expect me to pass.' 'I had no idea', he wrote to Colonel Miller at Michillimackinac, 'of tarrying at any intermediate station.'[4] After 'Seven Oaks', however, there would be no supplies awaiting his expedition at Red Lake and no resources for his support at Red River.[5] Selkirk threw caution aside and sailed straight for North-West head-quarters.

The proceedings at Fort William have been passed over as discreetly as possible by Selkirk's supporters and condemned unsparingly by his opponents. It may not be out of place to suggest from his standpoint a few of his motives. The long and unavailing negotiations with the Colonial Office left no hope of the intervention of Government on his behalf. One hundred men under his command within striking distance of Fort William would leave the North-westers no choice but to take the whole controversy before Imperial authorities. There was, moreover, a certainty of obtaining 'very important discoveries' that might otherwise be destroyed beyond hope of recovery.[6] Selkirk knew also that Pritchard, Pambrun,

[1] Selkirk to Robertson, Apr. 25, 1816, *Selkirk Papers*, 2207.
[2] Selkirk to Lieut.-Gov. Gore, Aug. 21, 1816, *Selkirk Papers*, 2567.
[3] Lady Selkirk to Selkirk, Montreal, 1816, *Correspondence at St. Mary's Isle*, vol. iii, 390 F.
[4] Marked 'not sent'. Feb. 22. 1817, *Selkirk Papers*, 3178.
[5] Selkirk to Lieut.-Gov. Gore, Aug. 21, 1816, *Selkirk Papers*, 2567.
[6] *Selkirk Papers*, 2567.

and several of the Hudson's Bay men were prisoners at Fort William. The barbarous massacre of June 19, it has been seen, had come with appalling suddenness, and left Selkirk with the conviction that his measures were 'Acts of Public justice'.[1] Lagimonière's dispatches had given him every reason to believe that the bois-brûlés were acting altogether at the instigation of the North-West Company. Selkirk's conviction is expressed repeatedly to most intimate friends that under the guise of respectability at Montreal the Northwesters were pursuing from Fort William an elaborate system of inhuman outrage against their own countrymen at Red River. After the seizure of Fort William he wrote to the Attorney-General of Upper Canada of 'the most detestable system of villainy that ever was allowed to prevail in the British Dominions'.[2] There can be no doubt that up to this point Selkirk considered himself the injured party, the real builder of British influence and expansion in the West, and an instrument for breaking the 'Iron age of oppression which has so long prevailed in the interior of British North America'.[3] In his success or failure was involved 'the question whether extensive and fertile regions in British North America are ever to be inhabited by civilized society'.[4] In the light of subsequent developments it seems probable that nothing could have prevented the North-West Company from bankruptcy had Selkirk been able to re-establish himself at Red River and convince the world of the complicity of the North-West Company in the massacre of Seven Oaks. The massacre itself, however, precluded the one possibility; the necessary evidence would probably never have been forthcoming for the other had not Selkirk taken justice into his own hands. After sober reflection, none deplored 'the great mistake' more

[1] Selkirk to Attorney-Gen. Boulton, Aug. 17, 1816, *Selkirk Papers*, 2550.

[2] *Selkirk Papers*, 2550. Selkirk wrote of enlisting Wilberforce against the 'N.-W. Co. who with the exception of the Slave traders are perhaps the most unprincipled men who ever had to boast of support and countenance from the British Government'. Ibid., 2340.

[3] *Statement respecting the Earl of Selkirk's Settlement of Kildonan.* London, Jan. 1817.

[4] *Statement respecting the Earl of Selkirk's Settlement in North America.* London, June 1817. Cf. *Selkirk Papers*, 2346.

bitterly than Selkirk himself. It was the misfortune of his life that the pacific interests of settlement should have become involved with a determination to exact vengeance for Semple and to uproot the North-West Company.

Macdonell and his express canoes reached Sault Ste. Marie on the evening of July 24, after Matthey's brigade had left by the south shore of Lake Superior, and after Selkirk, fatigued with letters and business, had retired for a few hours of rest before following the 'de Meurons' to Fond du Lac. The news from the Forks was broken by Allen, the physician, in the morning. Selkirk formed at once the resolve to liberate the prisoners at Fort William and to arrest the North-West ring-leaders in full summer conference. Efforts were made to induce Askin and Ermatinger to make the arrests as Justices of the Peace for Upper Canada. It required more than ordinary courage, however, for an Upper Canadian to brave McGillivray, Kenneth McKenzie, and the 'nabobs' of Montreal in their own council chamber at Fort William. Both Askin and Ermatinger declined the office.[1] Time was short. It was necessary to overtake Matthey's brigade before it reached Fond du Lac. Selkirk determined on August 2 to act for himself in the capacity of a magistrate in the Indian Territories. 'In the delicate position in which I stand as a party interested', he wrote to Governor Sherbrooke from Sault Ste. Marie, 'I could have wished that some other Magistrate should have undertaken the investigation.'[2] The 'de Meurons' were summoned to Thunder Bay. On August 12, the expedition of twelve bateaux put ashore near Fort William and pitched their tents about a mile above the North-West fort.[3]

Selkirk demanded at once the liberation of Hudson's Bay men, and on the morning of the 13th sent two constables with warrants against William McGillivray. McGillivray 'acted

[1] Selkirk to Lieut.-Gov. Gore, August 21, 1816, *Selkirk Papers*, 2568.
[2] July 29, 1816, *Selkirk Papers*, 1592.
[3] The North-West Company's side of the story is found in masses of depositions and evidence during the subsequent trials, and in the *Narrative of Occurrences in the Indian Countries of North America, since the Connexion of the Right Hon. the Earl of Selkirk with the Hudson's Bay Company, and his Attempt to Establish a Colony on the Red River; with*

as a gentleman', says McNab, 'read the Warrant and immediately prepared for accompanying us'.[1] John McLaughlin and Kenneth McKenzie offered themselves as bail; but Selkirk was not to be outwitted or appeased with half-measures. He wrote to Boulton of sending to Upper Canada a 'Cargo of Criminals of a larger Calibre than usually came before the Courts at York'.[2] With McGillivray once secured, there was less prospect of resistance. Selkirk's men returned and began to read warrants for the arrest of the other partners. For a time the North-westers followed McGillivray's diplomacy; but at the third warrant there was a show of resistance, a demand for the liberation of McGillivray, and an attempt to close the gates. Captain D'Orsonnens, however, with a few of his men quickly entered the stockade. A signal was given for reinforcements from the Meuron camp. Two small field-pieces within the fort were seized and the resistance was at an end. The North-West partners were arrested and liberated on parole. Warrants were issued 'to search for and secure the papers of the persons arrested'. McGillivray's dignified submission, it will be seen, was the wisest and most far-sighted measure that could have been adopted; but the Indians and the two hundred North-westers within the fort looked on in amazement to see McGillivray himself a prisoner, and Selkirk's men coming and going on official duty within the walls of Fort William.

More drastic measures were taken during the following day. Early in the morning, it seems, there was information of 'clandestine preparations of Hostility'.[3] Warrants were issued

detailed Account of His Lordship's Military Expedition to, and subsequent Proceedings at Fort William in Upper Canada. London, 1817.

[1] *Selkirk Papers*, 2540.

[2] Selkirk to Attorney-Gen. Boulton, Aug. 17, 1816, *Selkirk Papers*, 2550.

[3] On Selkirk's side there is no dearth of material bearing upon the events at Fort William. McNab, who was one of the constables for arresting the N.-W. partners, gives a very full account in *Selkirk Papers*, 2540 et seq. In the correspondence and evidence at subsequent trials there are statements from almost every class of men in Selkirk's party, from Pambrun, Pritchard, D'Orsonnens, and Miles Macdonell to Selkirk himself. Dr. Allen, Selkirk's physician, has left probably the most comprehensive and lucid account in *Selkirk Papers*, 4596 et seq. The North-West *Account of Occurrences* is necessarily incomplete. No North-West part-

for search of arms, and about seventy stand of small arms, many of them loaded and primed, were found in a hay-loft where they had been concealed, it was said, during the preceding night. Eight barrels of gunpowder were discovered in a neighbouring swamp, among burnt willows and recently trodden grass. There was a protest that the prisoners 'had broke their parole'; guards were placed within the fort and the partners were strictly confined within their own apartments. In the Council Chamber were found letters and warrants from Selkirk of which Lagimoniere had been robbed in his attempt to return to Red River. The seals had been broken; evidence was forthcoming, bearing upon the means taken to carry out McLeod's instructions.[1] Search-warrants revealed more than thirty bales of Hudson's Bay furs from the Qu'Appelle. At the time of search all papers within the fort were to be sealed jointly by Selkirk and the North-westers for future examination; many of these sealed bundles were afterwards broken open and the contents burnt in the kitchen fire. And, finally, there was found the list of half-breeds at 'Seven Oaks'. All the names but thirteen had been marked off 'as having received habilliments'. Within the fort were found twenty bales of 'habilliments' with an invoice and 'the names of those for whom they were intended marked upon them'. The names were thirteen in number, 'exactly corresponding to the names of the individuals not ticked off in the foregoing list'.[2] Selkirk now felt certain of his ground. It was at this point, declares Dr. Allen, that he resolved to winter at Fort William.[3] He determined to 'cut up by the root', as he expressed it to the Chief Justice of Common Pleas at West-

ners were present at the later transactions, and even Vandersluy's statement is scarcely representative of unbiassed North-West opinion.

[1] See McLeod to Grant and Morrison, June 2, 1816, *Selkirk Papers*, 8610. 'The intention of this express is to tell you that La Gimonier is again to pass thro' your Department on his way with letters to the Red River. As a precautionary measure he must absolutely be prevented proceeding or forwarding any letters, he and the men along with him and an Indian guide he has must all be sent with their budget to this place. . . . It was matter of astonishment to many how he could have made his way last Fall through Fond du Lac Department.'

[2] Deposition of Dr. Allen, *Selkirk Papers*, 4596 et seq.

[3] *Selkirk Papers*, 4610.

minster, 'one of the most abominable combinations that ever was suffered to exist in the British Dominions'.

Scarcely had the canoes bearing the North-West partners under arrest left Fort William when Selkirk was brought to confront prospects of straitened supplies. There was never an attempt to deny the irregularity of subsequent proceedings with Daniel McKenzie, though it ought perhaps to be added that what Selkirk considered to be the necessities of the case could not well be urged in his defence at the bar of public opinion. There were a hundred of the 'de Meurons', with crews of Canadian canoemen, to be maintained upon a stock of provisions intended to support the expedition only as far as Red Lake. All the colonial stores were in the hands of the North-westers after an episode of unparalleled violence. Even the provisions at Michillimackinac had all been bought up by the North-westers with full knowledge of the state of affairs in the interior. To push on to Red River would have invited disaster for the winter. To return to Montreal after 'Seven Oaks' would have stultified the whole expedition. Selkirk saw what in some way had to be done, and accepted with uneasy compunction, it must be admitted, the first avenue of escape that suggested itself. 'I do not know', he wrote to Ellenborough, 'how far the step that I have ventured upon is out of the common path.'[2] That it was 'unusual' Selkirk was the first to admit.[3]

One of the North-West partners at Fort William was Daniel McKenzie, the 'old Sleepy Head' of Duncan Cameron's familiar pleasantry, whose health and self-control had been completely broken by the hardships and licence of a long life in the North-West fur trade. It had long been an open secret even to the Hudson's Bay Company that Daniel KcKenzie was 'of doubtful attachment to the Company'.[4] As early as 1809 he had written of 'Froth, Pomp and Ostentation' in the North-West Company, and had applied to the hardships of the winter partners and the affluence of the Montreal 'nabobs'

[1] *Selkirk Papers*, 2806. [2] Ibid., 2805.
[3] Selkirk to Gibbs, Oct. 10, 1816, *Selkirk Papers*, 2806.
[4] *Selkirk Papers*, 186.

Swift's aphorism that party work was the madness of many for the gain of a few.[1] It was McKenzie, it seems, who had bought up all available supplies at Michillimackinac for the North-West Company for more than £1,200; he now sold them to Selkirk,[2] and agreed on behalf of the North-West Company to submit all disputes to arbitration on a basis already submitted by Selkirk to North-westers in Montreal. The arbitrators were to be appointed by the Lords Chief Justices of King's Bench and Common Pleas at Westminster.[3] Selkirk was to execute a conveyance of £3,000 a year to be held in trust by the arbitrators till the final award was made; McKenzie was to consign to the arbitrators all the furs 'in the stores of the said Company at Fort William'.[4]

Beneath the specious equity of these arrangements, however, there were circumstances which extreme exasperation and the conviction that his opponents were criminally unscrupulous must have led Selkirk to disregard. McKenzie had been kept a prisoner for two days, even though this was several days before the sale was proposed[5]—'long before the transaction was entered into—before even the slightest hint of it was dropped'.[6] Both Stuart and Gale, Selkirk's counsel at Montreal, hastened to advise him that the sale could not 'be

[1] 'I owe them no obligations, on the Contrary they have done all in their power to injure me. Henceforth I shall think for myself. . . . Had we thought and acted for ourselves we should now be both Rich and respected and we should not have an addition to our Title of "McGillivray's Geese".' McKenzie to Cameron, Jan. 14, 1809, *Selkirk Papers*, 8536.

[2] Dr. Allen, who as Selkirk's physician probably knew much more than any other except Selkirk himself of the real course of events at Fort William, states McKenzie's motives in making the sale. He had bought the supplies for the North-West Company at Michillimackinac, and if the transactions were repudiated by the North-West Company on account of McKenzie's information to Selkirk, the merchants at Michillimackinac would hold him individually responsible. He therefore wished to dispose of the supplies to Selkirk. Allen states specifically that the advances came from McKenzie, and that Selkirk then proposed the transfer of Fort William, to which McKenzie refused to agree. *Selkirk Papers*, 4620 &c.

[3] *Selkirk Papers*, 2756; to Ellenborough, 2805; to Gibbs, 2806. Lord Chief Justice Gibbs, it seems, had been counsel for the N.-W. Co. (or X Y Co.) in 1804. *Narrative of Occurrences*, Appendix 12.

[4] Contract, *Selkirk Papers*, 2811.

[5] 'He proposed the Sale to which I agreed on condition of the arbitration.' *Selkirk Papers*, 3482.

[6] Selkirk to Governor Sherbrooke (private), Nov. 12, 1816, *Selkirk Papers*, 2920.

maintained in a Court of Justice',[1] and that the submission to arbitration was 'invalid both under the English and under the Canadian Laws'.[2] McKenzie had recently been considered capable of transacting important business for the North-West Company, but his usual state of maudlin inebriety at Fort William had been notorious. It was not wise altogether to disregard 'appearances'.[3] To a casual observer the articles of the transaction seemed fair, but even this plausible equity disappeared on closer inspection. The prospective £3,000 in rent from the tenantry of Kirkcudbrightshire had not a value to Selkirk at Fort William in the autumn of 1816 to be compared with the vital value of the furs at that moment to the North-westers. There can be no doubt that the retention of the season's output of furs was intended to ruin the North-West Company. Gale informed Selkirk, some time, it is true, after the contract was made, that 'the consequences . . . will be irretrievable to the North-West Company'. Selkirk himself was the first to admit that the arbitration had an ulterior motive. 'I do not pretend to deny', he wrote to Governor Sherbrooke, 'that I was glad to have it so framed as to keep a part of the Capital of the North-West Company in a state of inaction till the question between us should be decided, so as to limit in some degree their resources for carrying on a system of lawless violence against me.'[4] A little reflection, however, convinced him of the imprudence of the whole transaction. There was an undertone of diffidence even in the November correspondence with Sherbrooke.[5] 'I have been guilty of great imprudence', he wrote to Stuart.[6] If

[1] *Selkirk Papers*, 3049–50. 'The sale of Goods by Mr. McKenzie has been made to your Lordship under such circumstances as must, I presume, make it necessary for your Lordship to insist on its validity, even though there should be reason to entertain a different opinion of it.' Stuart to Selkirk, Jan. 20, 1817.

[2] *Selkirk Papers*, 3048.

[3] See *Selkirk Papers*, 4621.

[4] Selkirk to Sherbrooke (private), Nov. 12, 1816, *Selkirk Papers*, 2920–1.

[5] 'Nothing would be more distressing to me than the idea that I could be justly accused of having taken an undue advantage of my situation and if in any point Yr. Ex'y should be of opinion that I have gone too far I shall be ready to make any reparation that is in my power.' *Selkirk Papers*, 2922.

[6] *Selkirk Papers*, 3385.

self-reproach can in any degree atone for a mistake, there is expiation in Selkirk's unreserved correspondence with Lady Selkirk in the spring. 'The consequences', he wrote, 'so naturally and justly arising from my wretchedly ill-judged conduct in September, give room for bitter enough reflections.'[1] North-westers assumed a tone of fine contempt. Old Daniel McKenzie was turned out of the North-West house at the Sault; he was assured by North-westers 'that he would rot in Gaol' and that Selkirk himself would soon be prisoner. 'The poor man's mind', wrote Pritchard, 'has been so much worked upon by his companions and the various reports he everywhere met with that he was much to be pityed.'[2] He even attempted suicide by drowning.[3] Finally, at Drummond's Island he was induced to sign a 'protest' that he had been 'detained a Prisoner' from August 13 to October 11, 'during all which time' he was in a 'state of inebriety and actual derangement of mind'; and that all papers to which his signature had been affixed at Fort William had been 'dictated by his Lordship and his Agents'.[4] The 'protest' was scattered broadcast. Burdened with vexatious details and oppressed by his single-handed responsibility, Selkirk found the moral effects of his victory altogether illusory. Lady Selkirk, knowing his self-reproach, marvelled at his silent industry and patience, and threw her influence with loyalty and headlong energy against the reproaches of half-hearted friends at home.

At Fort William Selkirk still retained at least the fruits of his premature success. In Montreal the outlook for the Hudson's Bay Company was never so encouraging. 'Comfort yourself,' wrote Lady Selkirk; 'I have found a friend to my heart's content.'[5] There were prospects at last of enlisting the scrutiny of Government into the affairs of Red River. At the first news of 'Seven Oaks' Selkirk had urged upon Sherbrooke the advisability of appointing commissioners.

[1] *Correspondence at St. Mary's Isle*, vol. iii, 399 E.
[2] Pritchard to Selkirk, Jan. 21, 1817, *Selkirk Papers*, 3077.
[3] Ibid.
[4] Drummond's Island, Nov. 11, 1816, *Selkirk Papers*, 2914.
[5] Lady Selkirk to Selkirk, Oct. 9, 1816, *Selkirk Papers*, 4125.

Lady Selkirk in Montreal took up the project with enthusiasm. An interview with Sherbrooke at Quebec proved for the time unavailing;[1] but Lady Selkirk continued to solicit the intervention of Government, and when at last commissioners were appointed in October, Selkirk welcomed the step with genuine enthusiasm. 'The benefits to be expected from this interference of Government', wrote Selkirk to Miles Macdonell, 'are so great that nothing ought to be wanting on our part to give effect to the acts of the Commissioners.'[2]

The men selected by Sherbrooke were two in number. Coltman was a Legislative Councillor of Lower Canada, genial, fair-minded, and conciliating. Fletcher was a Police Magistrate of Quebec.[3] The work of the Commission will call for more extended notice elsewhere. The appointment was made too late in the season to permit of action before the following spring. Coltman left Montreal in November, passed the winter in Upper Canada, and reached Red River only in July, 1817. Selkirk remained in undisputed possession of North-West head-quarters. There were vague rumours from Montreal that North-West canoes were setting out, two or three at a time, to rendezvous at Sault Ste. Marie and to recover Fort William 'either by stratagem or by force, by legal pretexts or open violence'.[4] News arrived, however, of confusion in Upper Canada and of shipwreck on Lake Superior. Lady Selkirk, usually dispassionate and self-possessed, was carried away for a moment by the suddenness of success. 'The great armada,' she wrote to Selkirk, 'with all the warrants and constables, partners, clerks, Iroquois, and guns and Congreve rockets, melts away and disappears, and a little canoe comes dropping in now and then, and one after another of the partners return to Montreal looking very foolish while all the world are laughing at them.'[5]

Successes at Montreal and at Fort William found their

[1] *Selkirk Papers*, 2558. [2] Ibid., 3296. [3] Ibid., 2885.
[4] Selkirk to Lieut.-Gov. Gore, Nov. 12, 1816, *Selkirk Papers*, 2915. Cf. Lady Selkirk to Selkirk, Oct. 9, 1816, &c.
[5] 'They were to march you down on snowshoes, they were to bring you prisoner with a rope around your neck.' Montreal, 1816, *Correspondence at St. Mary's Isle*, vol. iii, 390 C.

counterpart even at Red River after one of the most daring exploits of the long contest in Assiniboia. Despite the disasters of the preceding winter the Hudson's Bay traders returned to their posts in high spirits.[1] Fort Douglas, however, still remained in the hands of McLellan and the North-westers. Early in November, Miles Macdonell was at Rainy Lake with Captain D'Orsonnens and a party of 'de Meurons', waiting for a snow-fall to aid them on the way to Red River. On December 10, twenty-eight men with two small guns mounted upon sledges, began their march by snowshoes to Pembina and Red River. On the last day of the year the fieldpieces were trained upon Fort Daer from the opposite bank. Macdonell crossed the river with his party, now sixty in number, and took possession almost without a struggle.

In the face of a biting wind and heavy frost the expedition moved on against Fort Douglas. Camping in a dense wood about ten miles from the Forks, a night attack was planned, which Macdonell described in detail to Selkirk with an excess of military phraseology. The cold was moderate, 'the morning fine with moonlight'. Rough ladders were made, the fort was 'immediately invested and carried by escalade. . . . All was quiet in our possession before daylight, when the Company's flag was hoisted on the staff'.[2] McLellan and fifteen men were taken prisoners. Macdonell was free to reap the fruits of his victory, and to re-establish, by means not delicately scrupulous, the authority of Selkirk and the Hudson's Bay Company in Assiniboia.

It remains briefly to notice a diplomatic victory of the North-West Company which in the end outweighed Selkirk's success at Montreal, Fort William, and Red River. The North-westers lost Fort William by force. They won the Colonial Office by diplomatic resignation to law. McGillivray's dignified surrender to Selkirk's warrant was staged with full dramatic effect. For the North-westers, nothing could have been more fortunate than the failure of their 'armada'. The

[1] See Bird to Selkirk, Aug. 12, 1816, *Selkirk Papers*, 2532.
[2] Macdonell to Selkirk, Mar. 6, 1817, *Selkirk Papers*, 3233; Capt. D'Orsonnens to Selkirk, Jan. 25, 1817, &c.

part of it which eventually reached Fort William served the purpose in the end more effectively than canoes of North-West partners and armed voyageurs. At the first prospect of impending defeat by Selkirk and the 'de Meurons', an express canoe had been sent off to procure warrants for Selkirk's arrest. It would seem that some difficulty was encountered in the quest of a compliant Justice of the Peace.[1] A warrant was finally secured from Dr. Mitchell of Drummond's Island. A constable was procured to serve it upon Selkirk at Fort William. Early in November a single express canoe was observed crossing the bay. Dispatches were expected from Montreal, and it was not until the constable had actually entered the room where Selkirk was writing that the nature of his errand was known. It would seem from Selkirk's most intimate correspondence with men of his own party that he had no doubt the warrant was spurious. He wrote of the incident immediately to Lieutenant-Governor Gore. The warrant was dated at Drummond's Island, yet no instructions had come for the military guard which had been dispatched from the same place. There were no letters or credentials of any kind. The men were utter strangers. Dr. Mitchell was said to be 'an old man in his dotage, . . . never by any chance sober after mid-day'.[2] The warrant was written in 'a fair Clerk-like hand'; the signature was irregular and not improbably 'obtained surreptitiously'.[3] A journey by canoe over 500 miles of fresh water in winter suggested a zeal for justice that did not accord with Selkirk's experience of Upper Canadian magistrates. It must be admitted also that Selkirk had before him a startling instance of blind compliance with North-West warrants. Information had just reached him that Keveny, the leader of the second party for the settlement

[1] According to Stuart, Selkirk's counsel, 'The application for a warrant against your Lordship, it is well understood, was made in the first instance to Mr. Campbell one of the Judges in Upper Canada, who deeming insufficient (as may readily be supposed) the grounds on which it was required refused to grant it and the Chief Justice (Mr. Powell) who was afterwards applied to concurred in opinion with Mr. Campbell'. Stuart to Selkirk, Jan 20, 1817, *Selkirk Papers*, 3051.

[2] Selkirk to D'Orsonnens, Dec. 2, 1816, *Selkirk Papers*, 2939.

[3] Selkirk to Lieut.-Gov. Gore, Nov 12, 1816, *Selkirk Papers*, 2914.

in 1812, had surrendered to a warrant signed by a North-West partner, and had been most brutally murdered by Charles Reinhard, who afterwards confessed the crime, was tried and convicted at Quebec, and was sentenced to be hanged.[1] There were reasons, moreover, to believe that the appointment of a commission by Governor Sherbrooke had already taken place, as indeed it actually had. 'Some indulgence may be felt', wrote Selkirk to the Commissioners in the spring, 'for persons who had the fate of Mr. Keveney before their eyes, when required to put ourselves into the power of an officer . . . in the pay of the same association by whom Charles Reinhard had been employed.'[2] Selkirk ordered inquiry to be made at Drummond's Island, and classed the constable's errand meanwhile with other evidences of 'true North-West ingenuity'. 'These circumstances', he assured D'Orsonnens, 'could leave us no doubt of the propriety of treating the Warrant as a trick and the pretended constable as an impostor.'[3] The contrast to McGillivray's quiet submission was complete.

It would be difficult to estimate the indirect results of this astute measure of retaliation on the part of the North-West Company. The information was conveyed with all speed to the Colonial Office that Selkirk had resisted arrest. On February 11, 1817, Bathurst's ill-starred dispatch was written to Governor Sherbrooke. The bearing and influence of this document will be seen in another connexion, but it may not be out of place to suggest here the inevitable effects upon colonial courts, colonial lawyers, colonial commissioners and minor colonial officials, of instructions which bore all the weight of indictment, verdict, and sentence combined. 'By resisting the execution of the Warrant issued against him', reads the dispatch of February 11, 'Lord Selkirk has rendered himself doubly amenable to the Laws. . . . You will therefore without delay on the receipt of this instruction take care that an indictment be preferred against his Lordship for the

[1] See *Selkirk Papers*, 2585 et seq., 5033 et seq., 5037, &c.
[2] Selkirk to the Commissioners, Apr. 28, 1817, *Selkirk Papers*, 3368–9.
[3] *Selkirk Papers*, 2940.

rescue of himself detailed in the affidavit of Robert MacRobb, and upon a true Bill being found against him you will take the necessary and usual measures in such cases for arresting his Lordship and bringing him before the Court from which the process issued. Surrounded as Lord Selkirk appears to be with a Military Force which has once already been employed to defeat the execution of legal process, it is almost[1] impossible to hope[2] that he will quietly submit to the execution of any warrant against himself so long as an opening is left for effectual resistance. It is therefore necessary that the Officer to whom its execution is entrusted should be accompanied by such a Civil (or if the necessities of the case should require it, by such a Military) force as may prevent the possibility of resistance.'

In case Selkirk could not be secured Sherbrooke is directed to communicate the result, 'in order that I may in so extraordinary a Contingency submit to the consideration of Parliament whether the urgency of the case does not require the adoption of some special measure of severity with respect to his Lordship'.[3]

It was more than twelve months, it will be seen, before Selkirk discovered[4]—and even then purely by accident—that he had been practically condemned unheard and his case overwhelmed from the Colonial Office by official directions of which copies had found their way mysteriously amongst the executive and judiciary of Upper and Lower Canada. In the light of the actual justification in fact at Fort William for these criminating instructions it is not difficult to trace what representations must have been made to Sherbrooke and believed at Downing Street. The Commissioners, who had been appointed to report upon the whole question at issue, took the affidavit of a North-wester Robert McRobb, at York

[1] This word in the original is inserted with a caret mark after the dispatch had been written.

[2] 'suppose', the word originally written, was incompletely erased in the original.

[3] Bathurst to Sherbrooke, Feb. 11, 1817. Original Dispatches from Colonial Office, Lower Canada, G. 19, p. 62 et seq. Canadian Archives.

[4] March 1818, *Selkirk Papers*, 5776.

on December 17. Before Selkirk had been given an opportunity of stating his case, before a single deposition was taken on behalf of the Hudson's Bay Company, Sherbrooke was informed that 'the Earl of Selkirk has resisted the execution of a legal process of arrest . . . and that under colour of an unauthorized transfer which he had obtained of the property of the North-West company at Fort William, from a retired partner, whom he had kept in state of coercion and inebriety, he was taking measures for removing the whole of that property to the territories of the Hudson's Bay company'. 'The commissioners express an apprehension', continued Sherbrooke, as he was about to forward McRobb's affidavit and Daniel McKenzie's 'protest' to Bathurst, 'that the North-West company may be driven to call in the aid of the Indians, to prevent the measure.'[1]

One may anticipate the trials of the next two years, so far as to notice that Selkirk was charged at Sandwich, Upper Canada, pursuant to the concise directions from the Colonial Office, with resisting legal processes in the case of Mitchell's warrant. For the crime which occasioned this special condemnation of the Colonial Office, the bench of magistrates bound him in recognizance for the sum of £50, and the indictment was unceremoniously thrown out by the Grand Jury.[2]

[1] Can. Arch., Colonial Office Records, 1817, Lower Canada, Q. 143; *Papers Rel. to R. R. S.*, 1819, p. 65.

[2] See the Attorney-General's Report, Canadian Archives, Q. 325–1, Upper Canada, p. 43.

The results of the dispatch of Feb. 11, 1817, were not less unfortunate for being unforeseen. In fairness to Bathurst it should be noticed that Sherbrooke had requested 'to be favoured with your particular instructions for my further conduct in this affair' [Jan. 1, 1817, *Papers Rel. to R. R. S.*, p. 65], and that accompanying the dispatch of Feb. 11 was a private note from Bathurst 'recommending that you should, if possible, warn Lord Selkirk of the danger to which he will expose himself, if he should persist in resisting the execution of the laws', without however abating in any way the determination to direct against him the 'power of the law'. *Papers Rel. to R. R. S.*, p. 73.

CHAPTER IX

THE COMMISSION.

SELKIRK received word of the appointment of the Commission with unfeigned enthusiasm.[1] 'I am greatly rejoiced that it is determined upon.'[2] Though the sacrifice of the principles for which he had been contending—'the lawful authority of the Company', 'the unimpeachable validity of these rights of property'—was not made without a reservation, there was to be 'voluntary acquiescence' and therefore no 'dereliction of their rights of Jurisdiction'.[3] Selkirk enjoined upon the officials of the settlement the most implicit obedience to the Prince Regent's proclamation. North-West forts were to be restored, hostilities were everywhere to cease. 'Truth must prevail in the end', wrote Selkirk to his counsel, Gale, of Montreal; 'and in the confidence that justice will ultimately be done to me, I put little importance on any wound which may be aimed at my personal feelings.'[4] 'I should feel myself wanting in justice', wrote the Chief Commissioner later in the summer, 'did I not bear testimony to your Lordship's prompt and universal obedience to the Prince Regent's Proclamation.'[5]

Selkirk left Fort William for the interior on May 1. The North-westers quickly took possession, with something more than casual appropriation. Lac la Pluie was promptly retaken with the same haste, 'by the strong hand, with open violence'.[6] At Red River, however, Selkirk appeared for the first time

[1] 'The benefits to be expected from this interference of Government are so great that nothing ought to be wanting on our part to give effect to acts of the Commissioners'. Selkirk to Macdonell, Mar. 20, 1817, *Selkirk Papers*, 3296.

[2] Selkirk to Vincent, H. B. Co. Superintendent, Mar. 21, 1817, *Selkirk Papers*, 3301.

[3] *Selkirk Papers*, 3297.

[4] July 3, 1817, *Selkirk Papers*, 3652.

[5] *Selkirk Papers*, 3991.

[6] Selkirk to Coltman, July 7, 1817, *Selkirk Papers*, 3674.

in the rôle which may be taken to typify his plans of colonization. His activity and practical knowledge of agriculture upon his own estates in Kirkcudbrightshire are to be traced in voluminous correspondence which has no interest here but to suggest a warning against overlooking the practical wisdom of an experienced agriculturist in attempting to estimate the methods and national aims of the colonizer. Selkirk's generous and wise supervision at the Red River Settlement created an impression in less than four months that still survives in narrative and tradition. Sites were selected for school and church. Arrangements were made for an experimental farm on a lavish scale. 'Public roads, by-roads, bridges, mill-seats and other important points were settled.' 'So correct and unerring was his judgement that nothing he planned at this early date could in after years be altered to advantage.'[1] Despite overwhelming financial losses,[2] payment by the settlers for their land was relinquished. The first treaties were made with the Indians. Selkirk was known to them as the Silver Chief. Nothing was ever more unwarranted than the unctuous fear of North-westers in London that the settlers would scarcely 'escape from the scalping knife'.[3] 'It appears to me', wrote Coltman, 'that the Indians wish the settlement for their own advantage.'[4] There is a sense in which these obscure months must be considered the practical consummation of an active life. Seldom has immediate reward been so paltry, outlay so enormous, and ultimate vindication of practical foresight at once so tardy and so complete.

Even at Red River the relationship between Selkirk and the Commissioner was not promising for the future, though for the time at least every appearance of resentment was scrupulously avoided. Of Coltman's benevolent intentions there can be no doubt; but the instructions from the Colonial

[1] *The Red River Settlement: Its Rise, Progress, and Present State*, Alexander Ross, London, 1856.

[2] The Selkirk estates, it was found in 1820, were encumbered with debt to the sum of £160,000 (*Correspondence*, volume v). Selkirk's account was overdrawn at this time with his financial agents at Montreal alone by more than £10,000.

[3] *Inverness Journal*, July 21, 1812.

[4] Coltman to Selkirk, July 17, 1817, *Selkirk Papers*, 3813. Cf. p. 86, n. 4.

Office made the outcome almost inevitable. Suggestions of coalition were already being made at Downing Street. There were 'hopes of an approach towards an amiable accommodation between the parties'.[1] North-westers openly advocated the 'idea of uniting the Companies'.[2] Neither party could hope for a complete victory. If credit can be given to the confidential dispatches of Samuel Gale, Selkirk's shrewd and able counsel from Montreal, both Coltman and the law officers of Upper and Lower Canada recognized the political requirements of the situation from the first.[3] The tendency towards 'splitting the difference', 'consulting the wishes of Government', regarding 'all . . . as culpable and the outrages as mutual', must have been obvious. Gale, who seldom wrote optimistically, it is true, described sarcastically to Lady Selkirk how Coltman had refused to issue warrants against the North-West Company for 'conspiracy to expel His Majesty's Colony'. He had 'softened down the offence into a "levying of private War" '. '"Private War"', he continued, 'is not within the limits of my Law.' The Commissioner, suggested the Attorney-General of Upper Canada, was a 'good-natured Laugh and Grow fat sort of person who had no wish but to conciliate and tranquillize all parties'.[4] Coltman was not likely to effect the summary justice which Selkirk was more than willing to solicit.

Concerning the other Commissioner, the opinion of Hudson's Bay officials at least was not so lenient. Fletcher had been a police magistrate in Quebec, but his ambition essayed the camp rather than the forum. His name does not appear in the voluminous report of 1819, and surviving evidence in the *Selkirk Papers* is not flattering. Gale in his amusing accounts

[1] Goulburn to Berens, Feb. 13, *Selkirk Papers*, 4502.

[2] Gale to Lady Selkirk, Oct. 23, 1817, *Selkirk Papers*, 4152.

[3] Coltman 'took it for granted that Government looked upon all parties in almost the same light . . . and like a good subject he has laboured to fulfil what he conceived to be the wishes of Government. . . . He is so anxious to show that both parties have alike been criminal. . . . He has declared to me (in private) that he considered the Government as having taken a part and given a decided opinion on the subject . . . the government was very tenacious in preserving the ground it had taken', &c.—Gale to Lady Selkirk, Oct. 23, 1817, *Selkirk Papers*, 4146–7.

[4] Quoted in Allen to Lady Selkirk, Feb. 18, 1818, *Selkirk Papers*, 4564.

of the 'Farces and Follies' in the interior, suggests that what with continuous tippling and magnifying his office 'the Major is generally believed to be very nearly if not quite *non compos*'. 'It appears to me', he wrote from Sault Ste Marie, 'that every person of whatever description capacity or profession loses his senses the moment he arrives here.'[1] Fletcher stopped the Hudson's Bay expedition of 'de Meuron' soldiers at Sault Ste Marie, arrested their leader with all military formality, and finally allowed the party to proceed without issuing a warrant or asking a question.[2] 'The Major in Red', it would seem, was a 'military maniac'. 'Military fame he is determined to acquire.'[3] He managed his escort with the punctilious discipline of a drill sergeant, 'the men having always a broad grin upon their faces'.[4] 'No representations of farce or folly', wrote Gale, 'that was ever "enacted" on any stage, could come near to the real life that is exhibited here.'[5] Selkirk seems to have given up hope of a satisfactory investigation long before the Commissioners returned to Lower Canada. With regard to Fletcher, especially, the implicit and carefully concealed information of Selkirk's advisers leaves an unmistakable impression from the first, of Fletcher's hostility towards the Hudson's Bay Company.[6]

'Rain and the Commissioners', wrote Selkirk to Lady Selkirk from Red River, 'were the subjects of our daily prayers and on the 5th they came both together.'[7] Coltman arrived in a guise that alarmed the Hudson's Bay interests, in company with four North-West canoes. The party passed Fort Douglas without noticing the Hudson's Bay salute, and went to dine at the North-West camp above the Forks.

[1] Gale to Lady Selkirk, June 23, 1817, *Selkirk Papers*, 3550.
[2] *Selkirk Papers*, 3540–43.
[3] Gale to Lady Selkirk, June 23, 1817, *Selkirk Papers*, 3598. Cf. also the quarrel with Captain Bruce with regard to command, *Selkirk Papers*, 3560; also the account in Gale to Lady Selkirk, July 6, 1817, *Selkirk Papers*, 3681–95.
[4] *Selkirk Papers*, 3693. [5] Ibid., 3683.
[6] Cf. also Sherbrooke to Bathurst, July 19, 1817, *Papers Rel. to R. R. S.*, p. 97. For internal evidence of partiality see *Papers Rel. to R. R. S.*, pp. 101, 108, &c. Fletcher's connexion even with the Commission closed in an acrimonious correspondence. Can. Arch., M. 778—C.
[7] *Correspondence*, July 7, 1817, vol. iii, p. 501.

Selkirk hastened to show, however, that he attributed to the Commissioner all kindly intentions—though it would not be easy for him to 'shake off the burrs' of intimacy with the North-westers. Courteous, patient, affable, and untiringly industrious, Coltman pitched his camp half-way between the rival posts and spent twelve hours daily amassing evidence and taking depositions that defy co-ordination. His aim was clearly a benevolent impartiality, with perhaps the necessity of some plan of ultimate compromise vaguely but persistently in the background. He found the claims of the North-westers with regard to pickets and fixtures at Fort Douglas 'vexatious and unreasonable'. Smith, a North-West constable, endeavoured to enforce at Red River a warrant from Sandwich which had failed at Fort William in the spring. Coltman put an end to the farce with something like contempt, and hastened to assure Selkirk of his protection against chicanery and violence.[1] It was inevitable, however, that even the *bonhomie* of the Commissioner would be open to misconstruction. Coltman's scrupulous regard for fabricated claims of the North-West Company began to destroy the confidence of the settlers in their titles to their land. If North-westers owned hay-meadows, what of Selkirk's 'rights of Property'? On the main point of ownership Selkirk was powerless to effect a decided recognition of his claims, and wrote bitterly of the Government's policy of inflexible opposition and procrastination.[2] 'Under all the circumstances of the case', he wrote at last to Coltman, 'it may perhaps be the most prudent course to allow these people to seek an asylum within

[1] 'He (Smith) insisted on the indorsation of his warrant from Sandwich or that one should be granted him for an escape to neither of which I conceived him legally entitled, and if otherwise I should have felt much hesitation in putting in the hands of a man apparently so violent the uncontrolled authority conveyed by the issue of a warrant if not bailable.' Coltman to Selkirk, July 29, 1817, *Selkirk Papers*, 3870.

[2] 'If the genuine interpretation of the proclamation requires such a concession (a recognition of ownership by the N.-W. Co., of a meadow where the settlers had lots and had cut hay) there seems to be no alternative but that the settlers should remove to some situation out of reach of the N.-W. Co.—It would be very much against my wishes and I presume also inconsistent with the views of Government (unless their predilection for the N.-W. Co. may incline them to deviate from their general policy).' Selkirk to Coltman, Aug. 23, 1817, *Selkirk Papers*, 3974.

the American lines, where at least they will not have to apprehend hostility from the subjects of the same Government and where if they be liable to be attacked it will not be considered as an offence to be prepared for resistance.'[1]

From this point Selkirk seems to have given up hope of justification at the hands of the Commission. As early as July 4, Gale with extraordinary astuteness had suggested an explanation that in several respects was remarkably near the truth. 'Does it not seem probable', he wrote to Lady Selkirk, 'that orders have been received from England for something like a hunt against the Earl of Selkirk thro' the influence of the *under* friends of the North-westers at home?'[2] It seemed that Coltman was to drift back insensibly into the North-West party with Drummond, Dr. John Strachan, and the Lower Canadian fur-trading interests. Tentative protests became bolder as the hopelessness of the situation began to be apparent. The charges against Coltman were kept for the time discreetly veiled, but many of them even at this date seem difficult to refute. A. N. McLeod and Alexander Macdonell seem to have been met by the Commissioner, who was urged by the Hudson's Bay Company to take the depositions that would warrant their arrest.[3] The deposition was taken eventually, but two months afterwards, when the men chiefly concerned 'had been seen at a great distance on the way towards the Rocky Mountains'.[4] Governor Semple and more than twenty colonists had been massacred at Seven Oaks and not one of the known instigators of the North-West 'campaign' was ever brought to justice. Selkirk, with Dr. Allen and two others of his party, on the other hand, was bound over for trial at the Quarter Sessions at Montreal, in pursuance, it afterwards appeared, of the specific

[1] *Selkirk Papers*, 3974. Cf. Gale to Lady Selkirk, June 3, 1817, 'I am sick really of everything I learn and see.' *Selkirk Papers*, 3507.

[2] *Selkirk Papers*, 3667. The obvious allusion is to Goulburn.

[3] Depositions of Dr. Allen, *Selkirk Papers*, 4621.

[4] Cf. Coltman's *Report*, in *Papers Rel. to R. R. S.*, p. 197: 'the warrant I issued against McDonnell, could not be executed owing to his . . . unexpected escape into the interior.' The tardy warrant against McLeod was 'sent to Mr. Fletcher . . . but this also failed to be executed'. McLeod, in fact, had already 'proceeded to England'.

instructions from the Colonial Office.[1] Gale, unaware as yet of these definite measures, was frankly bewildered, and pointed out the absurdity of the proceedings with his usual caustic humour. A magistrate for the Indian Territories took bail for offences said to have been committed in the Western District of Upper Canada, and bound over the parties for trial in Montreal in the Province of Lower Canada. 'Some Irish magistrate might as well require bail for the appearance at Washington of persons charged with crime at St. Petersburg.'[2] And finally, the bail exacted was beyond all precedent. Selkirk was bound over for £6,000 and the others £1,500 each[3]— 'a greater sum', wrote 'A Subscriber' for the Montreal *Courant*, 'for an alledged misdemeanor than the total amount of recognizances taken by the justices of the same court[4] from all the partners and servants of the North-West Company who were sent down eighteen months ago', charged, in some cases, with complicity in the death of Governor Semple and the settlers at Seven Oaks.[5] This irregularity in judicial procedure was speedily noticed in the London papers, and the public rated Selkirk's 'enormous crimes' accordingly.[6]

With regard to the Commission, Selkirk was driven finally into an attitude of compliance tempered by passive resistance. Charges which it would have been futile to express at the time were reserved for another occasion:[7] it was not wise to risk an attack upon a Commissioner whose finding was acceptable to Government and was at least a conscientious attempt to pave the way for a practical settlement. Coltman's final report was not published until the struggle had been transferred to the law courts and a direct attack upon the Colonial Office; but John

[1] *Selkirk Papers*, 4092. Coltman suggested also to Selkirk that it was necessary for form's sake to take recognizance for Selkirk's appearance at Sandwich. Coltman to Selkirk, Aug. 2, 1817, *Selkirk Papers*, 3888.

[2] Gale to Lady Selkirk, Sept. 1817, *Selkirk Papers*, 4092.

[3] According to Gale, *Selkirk Papers*, 4092; elsewhere (ibid., 4697 and 5795) the figures are stated as £6,000 for Selkirk and £3,000 each for the others.

[4] The same bail was confirmed by the King's Bench at Montreal. *Selkirk Papers*, 5795.

[5] *Selkirk Papers*, 4697. [6] Ibid., 4639.

[7] *A Letter to the Earl of Liverpool*, London, Mar. 19, 1819, pp. 25–35.

Beverley Robinson, Attorney-General, could not fail to rely upon Coltman's industry and integrity for guidance in the legal proceedings in Upper Canada,[1] and suggested that 'there must be something rotten in the cause which has so many enemies. . . . It is wrong to fall so heavy upon poor unoffending Coltman.'[2]

On September 9, Selkirk left Red River for Montreal. Coltman, relying still upon fair play from the North-westers, drew 'the inevitable comparison between his Lordship's case and Mr. McGillivray's',[3] and urged Selkirk to return by the regular route.[4] It was an open secret, however, that a North-wester with an appropriate warrant was awaiting him at Fort William.[5] Selkirk determined to travel by way of the United States, to make arrangements for the disposal of his territory which had fallen within the United States by the Treaty of Ghent, and to arrange for the departure of some of the 'de Meurons' for Switzerland by way of the Mississippi. Coltman left the settlement two days later; Gale on September 12. The significance, for the Red River Settlement, of Selkirk's departure could scarcely have been realized at the time, for the events of the following three years were to remove the settlement for nearly half a century out of the range of the development which Selkirk had designed for it. As though to presage the future, a heavy frost the night after Selkirk's departure destroyed the root-crops of the settlement, and

[1] 'The Royal Commissioners sent into the Indian Territory had collected an immense mass of evidence and made a report which furnished the foundation of my proceedings.' Memorandum in *Life of Sir Beverley Robinson, Bart.*, by Major-General C. W. Robinson, C.B. Morang & Co., 1904.

[2] Conversation quoted in Allen to Lady Selkirk, Feb. 18, 1818, *Selkirk Papers*, 4564.

[3] 'The ready submission on the one side, for as far as he was personally concerned, it was so, and the resistance and ultimate departure from the country on the other—from whatever circumstances they might arise—are facts which cannot be denied.' Coltman to Gale, Sept. 7, 1817, *Selkirk Papers*, 4047.

[4] *Selkirk Papers*, 4041.

[5] 'The object of the N.-W. was only to have an opportunity of insulting him by causing him to be taken into Campbell's custody, the moment he reached Fort William, which Coltman could not and would not have prevented.' Note by Gale in pencil on the margin of Coltman's letter, Sept. 6, 1817, *Selkirk Papers*, 4046.

a violent hurricane on the fourteenth nearly ruined the grain. It was necessary again 'to rely upon the buffalo'.[1]

Selkirk travelled speedily on horseback to Pembina, by river-boat down the Mississippi to St. Louis, by land to the Ohio and thence to Lexington, Kentucky, Washington, Philadelphia, New York, and Albany. It was January 10 before he reached York, in Upper Canada, to learn explicitly that the Attorney-General had received 'orders . . . from Lord Bathurst to prosecute . . . criminally for the "escape" (as it was called) from Dr. Mitchell's Warrant'.[2] Meanwhile the news was scattered broadcast in Lower Canada that Selkirk had left the Commissioner by stealth and had escaped to the United States. Wagers were boastfully laid in Montreal that he would never appear to answer the charges against him. Lady Selkirk, oppressed with gloomy forebodings but by no means disconcerted by the over-confidence of the North-westers, plunged at once into the maze of litigation that formed the next phase of the conflict with the North-West Company.

[1] *Selkirk Papers*, 4152.

[2] Selkirk to Lady Selkirk, York, Jan. 10, 1818, *Correspondence at St. Mary's Isle*, vol. v, p. 646.

CHAPTER X

'THE MUD OF THE LAW'

SELKIRK turned to the law for redress as energetically as he had welcomed the appointment of the Commissioners in the preceding spring. The inevitable laxity even of criminal judicature in a sparsely populated province in 1818 must have been apparent through the desultory proceedings at Montreal with regard to Miles Macdonell and 'the sheriff'; but Selkirk's movements in Canada seem to have been influenced by a kind of recurring and fatal enthusiasm. If deliverance by the Commissioners of Special Inquiry was illusory, recourse to litigation was nothing less than fatal. In both cases Selkirk was in strange ignorance of hidden obstacles; but the two chief misfortunes which thwarted his appeal to law could scarcely have been foreseen. Criminal proceedings against the North-West Company, it was found, could be instituted and conducted exclusively by the regular officials of Government who were on terms of intimacy with the North-westers. Even the courts were involved; two members had refused to sit as early as September because, it was stated, 'they could not consistently with their conscience sit in judgement upon these matters' on account of their connexion with the North-West Company.[1] The other misfortune, the fact that the Colonial Office had instigated the personal proceedings against Selkirk by minute directions from Downing Street, was not definitely known till Selkirk's appearance at York, and not known in its precision and finality till there was no possibility of drawing back. Meanwhile Selkirk's early report to the Committee of the Hudson's Bay Company points to an almost complete ignorance of these forces against him. 'The time is at hand',

[1] Justice Reid was brother-in-law of William McGillivray. Ogden's son was a 'winterer' of the N.-W. Co. H. B. Co. to Bathurst, Feb. 4, 1818, *Selkirk Papers*, 4476.

he wrote in February, 'when the true character of that association must be completely exposed to the public view, and it is impossible so far to doubt the justice of the British Government as to suppose that such a system can be much longer tolerated.'[1]

The litigation which filled the following year and which was left still suspended when failing health compelled Selkirk to return to England, falls into three main divisions. The first, in point both of priority and of importance, comprised the proceedings against Selkirk and his associates, which had been specifically directed by the Colonial Office; the second comprised the proceedings against the North-West Company mainly through Selkirk's instigation; and finally, there were the charges brought against the officials at the Red River Settlement at the instigation of the North-West Company.

The importance attached to the proceedings against Selkirk for resistance to arrest appeared to be unaccountably magnified in comparison with the seriousness of the accusations brought at the same time against the North-westers on almost every charge from misdemeanour to murder. The dispatch of February 11, 1817, had not yet come to light, and Selkirk's counsel were bewildered by the distorted energy of the Crown officials. A perusal of the full document[2] suggests unmistakably the nature of the elusive but unaccountably hostile influence against which Selkirk felt himself to be contending. He was bound over by Coltman to appear in Montreal in March. A bill of indictment was preferred against him in Upper Canada also, and he was held to bail on the same charge to appear at the Quarter Sessions at Sandwich in April.[3] The enormous bail fixed by Coltman becomes intelligible in the light of the observation that 'it is almost impossible to hope that he will quietly submit to the execution of any warrant against himself so long as an opening is left for effectual resistance'.[4] The injunctions for 'such a Civil (or if the necessity of the case should require it . . .

[1] *Selkirk Papers*, 4536.
[2] See Appendix C.
[3] *Selkirk Papers*, 4347.
[4] Bathurst to Sherbrooke, Canadian Archives, G. 19, p. 65.

such a Military) force as may prevent the possibility of resistance',[1] would explain Fletcher's activity on the Commission, in the otherwise meaningless spirit of force and bombast: 'he only wanted "opposition"'.[2] At Selkirk's first appearance at York, the Chief Justice, according to corroborated evidence, suggested that 'the charge of resistance to legal process was of a peculiar nature; that the law with respect to it was particularly severe; and that the offence was not bailable'.[3] The Solicitor-General intimated that 'Instructions from the Secretary of State had been communicated to him containing directions to institute criminal proceedings against Lord Selkirk'.[4] In Lower Canada the King's Bench confirmed the excessive recognizance fixed by Coltman; Selkirk's Canadian counsel were filled with perplexity and astonishment.[5] Sherbrooke himself, the day after the dispatch of February 11 was received, wrote vaguely to Selkirk of his 'determination to carry my orders strictly and fully into effect, however painful that duty may be'.[6] Thus the thread may be followed until Selkirk's suspicion became a certainty, and was at last confirmed by the discovery of the dispatch itself.

Selkirk's voluntary appearance in Upper Canada, five hundred miles out of his course, to answer the charge against him, was an effective reply to the taunts of North-westers at Montreal. At Sandwich the Quarter Sessions had just closed, but a special session was called to try the charge of felony for the seizure of guns and fusils at Fort William. It was notorious that Selkirk as Justice of the Peace had issued a search warrant for the seizure of the arms; and one of the deponents at whose

[1] Bathurst to Sherbrooke, Canadian Archives, G. 19, p. 66.

[2] Gale to Lady Selkirk, June 3, 1817, *Selkirk Papers*, 3505.

[3] Halkett to Bathurst, Jan. 30, 1819, *Selkirk Papers*, 5783. Cf. also *Selkirk Papers*, 4347, *Correspondence*, vol. iv, p. 646, &c.

[4] *Selkirk Papers*, 5784.

[5] 'I think that Coltman explained his conduct to the judges and requested their sanction to confirm what he had done—and I think that one of the Judges to injure Lord Selkirk, one of them to screen Coltman and both of them to please the powers that be and to secure also the protection of those powers if their decisions should be wrong gave the order against Lord Selkirk.' Gale to Lady Selkirk, Mar. 24, 1818, *Selkirk Papers*, 4706. See p. 145.

[6] Sherbrooke to Selkirk, May 3, 1817, *Selkirk Papers*, 3406. The dispatch of Feb. 11 was received on May 2. See Appendix C.

instigation the warrant against Selkirk was issued, had already sworn that Fort William had been seized with everything in it the day before the arms were 'feloniously' taken. The case was dismissed, although 'the Magistrate by whom that warrant had been granted and also the two others who had acted with him in taking the information upon which it was grounded, were among those present on the Bench'.[1]

On the main charge of resistance to arrest, however, which the Solicitor-General frankly admitted he was officially instructed to bring, Selkirk was bound over to appear at the next assizes. The amount of his recognizance, on the same charge upon which the Commissioner had exacted bail of £6,000, was fixed at £50. Dr. Allen was held on recognizance of £25. Hudson's Bay partisans claimed that the case would have been dismissed altogether had there been witnesses available to corroborate the defendant's own evidence.

A third charge of 'assault and false imprisonment' was then brought against Selkirk and Allen, by Smith, the constable who had failed to seize Selkirk at Fort William on a warrant from Sandwich in the spring, and whose violence, it has been seen, had been thwarted by the Commissioner at Red River.[2] A true bill was found and both bound over to appear at the next Quarter Sessions. Allen appeared and was acquitted, as he expressed it, 'by acclamation', in the 'first trial . . . concluded on either side'.[3] Selkirk, fully occupied with the cases in Lower Canada, found it impossible to attend, but appeared at the Assizes of the Supreme Court in September. No steps, however, were taken to remove the case from the Quarter Sessions, and Selkirk was compelled to leave his witnesses at Sandwich and to notify the Attorney-General that he would appear by attorney at the next Quarter Sessions. On September 21st, a few days before the Quarter Sessions opened, the Attorney-General directed the indictment to be quashed and the case was postponed from Session to Session until Selkirk had left Canada and his witnesses had long since dispersed.

[1] *Selkirk Papers*, 5784. [2] See p. 136, note 1.
[3] Allen to Lady Selkirk, *Selkirk Papers*, 4841.

With regard to the main charge, Selkirk had already appeared in March before the King's Bench in Montreal, 'in pursuance of recognizance exacted from him by Mr. Coltman' at Red River. The Attorney-General was unable to prosecute in Lower Canada for these offences, said to have been committed in Upper Canada, on recognizance exacted in the Indian Territories. He moved before the Court of King's Bench in Montreal for new recognizances for the same amount on the same charge, to be tried before a special Court of Oyer and Terminer in Upper Canada. Gale, perplexed by this new legal irregularity, and still ignorant of the dispatch of February 11th, which formed, as it afterwards appeared, the official chart of the Crown lawyers,[1] sought in vain for an explanation, and reached the conclusion that Coltman had 'explained his conduct to the judges'; that he had 'requested their sanctions', and that the bench had acquiesced—'one of the Judges to injure Lord Selkirk, one of them to screen Coltman, and both of them to please the powers that be'.[2] Selkirk objected in vain that one court had no authority to issue compulsory proceedings beyond the limits of its regular jurisdiction; that the whole transaction was 'vexatious, oppressive and unnecessary', because he was already under bail to appear in Upper Canada on the same charge; and that one of the judges who granted the renewal of Coltman's bail 'rose and retired from the bench' during the proceedings of the previous September, on account of his connexions with the North-West Company.[3] The measure was executed, and there was no redress but to appear again at the Quarter Sessions at Sandwich in September. Here at length the Attorney-General presented a Bill of Indictment for the resistance to Dr. Mitchell's warrant. Selkirk's version of the incident, however, had by this time become generally known. Public opinion in Upper Canada was beginning to turn in Selkirk's favour.[4] The notorious Gourlay in the Niagara *Spectator* was glad to support any ally against the Family Compact, and saddled

[1] *Selkirk Papers*, 5776. See p. 162.
[2] Gale to Lady Selkirk, Mar. 24, 1818, *Selkirk Papers*, 4706.
[3] *Selkirk Papers*, 5796. [4] Ibid., 4847.

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Dr. Strachan with responsibility for the massacre of June 19th, on account of his 'Scandalous Letter to the Earl'.[1] The Radicals were delighted at the prospect of a libel suit against the 'cleric'.[2] John Beverley Robinson, the new Attorney-General, a young man rising rapidly in general esteem both in Great Britain and in Upper Canada, felt keenly that the responsibility of effecting the will of the Colonial Office had at last devolved upon his shoulders. The trial took place with the result already suggested.[3] The case never reached even the petit jury. 'It was this case', wrote Halkett to Bathurst, 'which had been so particularly pointed out by the Dispatch of the 11th of February . . . The Bill was thrown out by the Grand Jury and at length met the fate which it deserved.'[4]

Before the prosecution against Selkirk was altogether relinquished, the Attorney-General determined to group all charges under the head of 'conspiracy' against the North-West Company.[5] Three days were spent in the examination of witnesses, and two in deliberation by the Grand Jury, during which, it seems, the Attorney-General had access to them to interpret the evidence. On Saturday there was an adjournment; on Monday the Chief Justice, without sending for the Grand Jury, adjourned the court *sine die* 'and immediately left the Bench'.[6] The Chief Justice suggested that undue influence was exerted upon the jury by Selkirk in person. The Attorney-General in his report to Sir Peregrine Maitland, commented upon the case of Daniel McKenzie, and pointed to the claim by the North-westers that Selkirk intended from the first to attack Fort William.[7] Halkett, with much cogency, wrote that the Chief Justice had merely saved the Attorney-General from another defeat.[8]

[1] *A letter to The Right Honourable Earl of Selkirk on his Settlement at Red River.* London, 1816. *Selkirk Papers*, 4715, Mar. 12, 1818.
[2] Selkirk to Washburn, April 16, 1818, *Selkirk Papers*, 4800; see also 4750, &c.
[3] See p. 131.
[4] *Selkirk Papers*, 5798.
[5] *Account of Judicial Proceedings.* By J. B. Robinson. York, Dec. 29, 1819. Colonial Office Records, Canadian Archives, Q 329, p. 35.
[6] *Selkirk Papers*, 5803.
[7] *Report of Trials*, Canadian Archives, Q 329. *Papers Rel. to R. R. S.*, 1819, pp. 262 et seq.
[8] *Selkirk Papers*, 5803.

The mutual litigation between Selkirk and the North-West Company is even more bewildering and infinitely more difficult to follow. The very number of the charges preferred makes it impossible here to trace proceedings in detail. There was drawn up for the Montreal *Courant* a comparative list of the accusations made by the opposing parties.[1] Against the Settlement and the Hudson's Bay Company were five charges of robbery, six for grand larceny, nine for stealing in dwelling-houses, five for riot and pulling down houses, three for false imprisonment and one for assault and battery. Against the North-West Company were forty-two charges of murder or complicity in murder, eighteen of arson, nine of burglary, sixteen of robbery, nine for stealing in boats on navigable river, nine for grand larceny, and seven for malicious shooting. With regard to results, this formidable array of charge and counter-charge resulted in one single conviction, for murder; nor perhaps are charge and verdict in themselves of much importance here except as a commentary upon the animosity of the parties and the operation of the law. Here at least the results are far-reaching. The bitterness of the rival factions seems almost to have dominated the whole administration of justice in both provinces. It would be difficult to reproduce from the voluminous and confusing evidence on the subject, more than an outline of the kind of administration upon which Selkirk found it necessary to rely.[2]

In the proceedings directed by the Colonial Office, Selkirk had at least the privilege of employing his own counsel in his defence. When he took the offensive against the North-West Company he found himself crippled by the pointed refusal of the Crown lawyers to allow his own counsel any adequate share in the proceedings. In vain he pointed out to Sherbrooke,

[1] *Selkirk Papers*, 4689.

[2] In addition to Amos's *Report of Trials in the Courts of Canada* (London, 1820), and the North-West versions contained in the detailed *Report of Trials* (Montreal, 1818), the *Report of Proceedings* (London, 1819), and elsewhere, the chief sources of information are found in the *Trials between the Hudson's Bay and North-West Companies*, Colonial Office Records, Canadian Archives, Q 329; in the voluminous correspondence upon the subject between Selkirk, Allen, Gale and others in the *Selkirk Papers*; and finally, in Halkett's letter to Bathurst of Jan. 30, 1819.

during the trial for the murder of Keveny, that the Attorney and Solicitor-General were hopelessly unacquainted with the intricacies of the quarrel; that 'within twenty-four hours of the time when the trial was to be opened, they had not seen some of the most material witnesses', and that 'neither of them is very ready in the use of the French language', or conversant with the peculiar phrases and idioms of the fur-traders' patois. English law afforded to private prosecutors the right of employing their own counsel in the name of the Crown. Sherbrooke wrote concisely to Selkirk in March that the Crown officers declined to allow private counsel 'to take a part in conducting the prosecutions, or in examination of witnesses'.[1] A Committee of the Executive Council considered the question and were 'humbly of opinion that it will be inexpedient to give any directions whatever to the Attorney-General or to the Solicitor-General as to the mode of conducting the proceedings in any case in which the Earl of Selkirk or any other individual may be the ostensible prosecutor'.[2] The Crown officials were left, in Selkirk's blunt statement of the case, with the full power of affording impunity to any offender whom they might choose to favour.[3]

The true Bills of Indictment found against the North-West Company before the Court of King's Bench in Montreal in March 1818, and before Commissions of Oyer and Terminer in February and May of the same year, were no less than eighteen in number,[4] on charges ranging from murder to conspiracy. There were no fewer than thirty-five charges against North-West partners (William and Simon McGillivray among the number), many of whom were Justices of the Peace of the districts in which the crimes were committed; and no fewer than one hundred and thirty-five charges against clerks and minor employees of the North-West Company.[5] Four other bills were ready for the King's Bench in September, when the trials, together with the cases already mentioned

[1] Mar. 30, 1818, *Selkirk Papers*, 4727.
[2] *Minutes of Executive Council*, Lower Canada, May 2, 1818. Canadian Archives, State I, p. 306.
[3] Selkirk to Sherbrooke, *Selkirk Papers*, 4733.
[4] *Selkirk Papers*, 5803. [5] Ibid., 5803 et seq.

against Selkirk, were summarily removed in toto to Upper Canada, and the enormous expense of bringing witnesses to Montreal, and maintaining them there, was added to the ruinous losses already incurred in connexion with the settlement. Stuart, Selkirk's ablest counsel in Montreal, had written frankly to Sherbrooke that the transfer was 'calculated to entail an enormous expense on the Earl of Selkirk and interpose impediments, I fear insuperable, to the attainment of Justice'.[1] Sherbrooke replied that instruments had 'already passed the great seal' and the measure was 'in execution'.[2]

It would be little to the purpose perhaps to reproduce here more than two or three of the numerous charges of laxity against the officials of Lower Canada. There is a natural lack of mutually corroborative evidence from hostile sources, but the very abundance of evidence and comment enables one roughly to reach the results even if the details bear marks of partisanship and exaggeration. George Campbell, in one instance, was the arch-conspirator for the North-West Company during the destruction of the settlement in 1815—the 'very decent Man' and 'great Partisan' who had 'often exposed his life for the North-West Company'; who had been 'of very Essential service in the transactions of Red River', and deserved 'at least One Hundred Pounds'.[3] Campbell, according to statements that were submitted to Bathurst and to Liverpool himself, was taken ill in jail in Montreal. He was visited by a physician, while the regular medical attendant of the prison remained unconsulted. Two judges of the King's Bench—one of whom had declined to sit on cases between the rival companies—'signed a warrant of discharge to the Gaoler for Campbell's liberation.' Campbell

[1] *Selkirk Papers*, 4215.

[2] Ibid. The original recommendation for the transfer came from the Executive Council, Aug. 30, 1817, *Minutes of Executive Council*, Lower Canada, Canadian Archives, State I, p. 157. In reply to Stuart's protest the Committee of the Council declined to withdraw their recommendation and pointed out that in addition to their original reasons two of the judges declined to act and Justice Foucher had been suspended. The King's Bench was 'incompetent to their trials'. 'This removal at this Moment is not only a Measure of Expediency but of absolute necessity.' *Minutes*, State I, p. 292.

[3] *Red River and Colonial Register*, *Selkirk Papers*, 9736.

was taken to the hospital 'wrapped up in a blanket', and escaped across the American border.[1]

True bills were found against Cuthbert Grant at Montreal—two for murder, two for larceny, and no less than nine others on various other charges. He was admitted to bail on a trifling recognizance, and took his departure at once for the interior. Peter Pangman, Lamar, Perrault, and several others who had taken a prominent part in the events of 1815–16 at the Settlement, were also liberated on bail, escaped to the interior, and were never tried. The recognizances were forfeited,[2] but Grant's appearance at Red River was interpreted as a demonstration of the power of the North-West partners to protect even the most recklessly daring of their supporters.[3]

Charges of laxity were by no means confined to Selkirk's party. North-westers protested vigorously against 'inconveniences and expense'; but even the Attorney-General of Lower Canada replied in a tone of disdainful moderation. 'The partners of the North-West company have no well-founded cause of complaint. They must be sensible that ample justice has been done them, as far as the proceedings in the Indian Territory have been investigated.'[4] For Selkirk, even the trial for the murder of Keveny, the one case in which a conviction was secured, was only half a victory. Selkirk, in order to safeguard the Charter, had suggested to Sherbrooke that the trials be removed to England, little thinking that the same suggestion had come from Downing Street as early as January 17, 1817, and that the Executive Council of Lower Canada had recommended the Governor to suspend action because 33 and 35 Henry VIII, c. 2, providing for trial in England, was 'entitled to a liberal Construc-

[1] Selkirk to Liverpool, March 25, 1819, *Selkirk Papers*, 6012; Halkett to Bathurst, Jan. 30, 1819, *Selkirk Papers*, 5810; Amos's *Trials*, XIX, &c. *Correspondence*, vol. vii, p. 1065.

[2] 'Grant's Recognizance was forfeited this morning.' Allen to Gale, Quebec, June 16, 1818, *Selkirk Papers*, 5035.

[3] *Selkirk Papers*, 5810, &c. Colin Robertson wrote of Pangman, Demarais, Severight and others 'sporting their persons both at Michipcoton and the Sault, smiling at our feeble efforts to bring (them) to justice.' Robertson to Selkirk, June 11, 1818, *Selkirk Papers*, 5011.

[4] *Papers Rel. to R. R. S.*, pp. 149 et seq.

tion'.[1] Reinhard accordingly was tried in Canada, found guilty, and condemned to be hanged; but McLellan, the North-West partner who had Keveny in charge at the time of the murder, was admitted to bail at Quebec on the same charge,[2] after the same applications had been refused at Montreal, and after true bills had been found against him both at Montreal and at Quebec. The trial took place after many delays at Quebec. The case illustrates a few of the difficulties and anomalies of litigation in 1818. The voluminous evidence and cross-examination was reported in detail by the only available stenographer left unemployed by the North-West Company at a cost to Selkirk of five guineas per day and 7½*d.* per hundred words.[3] Jurors petitioned the Executive Council for payment for their services,[4] and the Chief Justice ruled 'in a very decided manner' that Fort William was not in Upper Canada.[5] The official case against Selkirk from the Colonial Office was thus reduced to an absurdity—a charge of resisting in the Indian Territories a warrant issued in the Western District of Upper Canada. 'The resistance to *Legal Warrants* becomes a mere hoax.'[6] McLellan was finally acquitted. Even Dr. Allen, who considered that the crown officers really did 'their poor utmost',[7] and thought Selkirk's 'opinion of the Attorney General rather too severe',[8] wrote from Quebec that 'every one admits McLellan's guilt, even his own friends'.[9]

[1] *Minutes of Executive Council*, L.C., Can. Archives, State I, p. 90.

[2] 'The Attorney and Solicitor General have liberated McLellan, Grant and Cadotte on bail—a proceeding so grossly improper that I conceive it must ultimately lead to their cashiering.... The responsibility of an individual like Uniacke is but a poor compensation for the deadly mischief that his blunders may produce.' Selkirk to Lady Sherbrooke, April 3, 1818, *Selkirk Papers*, 4757. The 'responsibility', it would seem, rested originally with the Executive Council. See *Minutes of Exec. Council*, L.C., Dec. 9, 1817, Canadian Archives, State I, p. 289, recommending that Mr. Pyke (Deputy Attorney-General) should give legal advice to Coltman in Montreal. 'The Committee are also of opinion that Mr. Pyke should be authorized to consent to the bailing of any of the Persons now in confinement or under Accusation.' (The Keveny case was intended to be an exception. Ibid.)

[3] *Selkirk Papers*, 4962, &c.

[4] *Minutes of Exec. Council*, L.C., Canadian Archives, State I, p. 343.

[5] Selkirk to Robinson, June 4, 1818, *Selkirk Papers*, 4972.

[6] 'How will Lord Bathurst like this?' Allen to Selkirk, May 30, 1818, *Selkirk Papers*, 4953.

[7] *Selkirk Papers*, 5011. [8] Ibid., 4975. [9] Ibid., 5037.

'I had no right to expect such want of integrity.'[1] From the evidence, the verdict might well seem inexplicable.[2] Lady Selkirk interpreted the result as the death-knell of vindication by the law.[3] 'It is, in my humble opinion,' wrote Allen, 'needless to send any warrants into the interior. For what purpose give these vagabonds another party of pleasure to Montreal, to be again set at liberty?'[4] It was at this stage that Selkirk's health began to give way[5] and the futility of further proceedings began to be apparent.

Determined opposition was still offered to the transfer of the remaining cases to Upper Canada; but here again circumstances decided in favour of Selkirk's opponents. Two of the judges, Reid and Ogden, refused to sit; a third, Judge Foucher, was suspended pending a process of impeachment. North-westers could not be convicted because the King's Bench was 'incompetent to their trials'.[6] Selkirk asked bitterly of Sherbrooke if the judges were to be allowed to try the opponents of the North-westers[7] and to decline to sit at the trial of their own associates: 'to withdraw from the Bench, or to resume their seats just as it may suit the purposes of their friends.'[8] Sherbrooke wrote that 'it was entirely out of his power to afford any remedy'. Witnesses at Montreal began to disperse or were removed to Upper Canada and kept there at ruinous expense.[9] Upper Canadian barristers declined to allow those of Lower Canada to practise before Upper Canadian courts. Stuart and Gale were now powerless further to guard their clients' interests. Selkirk himself was too ill to direct proceedings; and North-westers, wrote Gale, had 'retained every lawyer of influence or talent in Upper Canada'.[10] Even John Beverley Robinson, the Attorney-

[1] Allen to Gale, June 16, 1818, *Selkirk Papers*, 5035.
[2] *Selkirk Papers*, 5626, 5651 et seq. Cf. *Report of Trials*, Montreal, 1818.
[3] See *Selkirk Papers*, 5069.
[4] Allen to Lady Selkirk, *Selkirk Papers*, 5079.
[5] Ibid., and *Selkirk Papers*, 4998, 5069, 5176, &c.
[6] *Minutes of Executive Council*, L.C., Canadian Archives, State I, p. 291; *Selkirk Papers* 4537, &c.
[7] See *Selkirk Papers*, 4790, &c.
[8] April 13, 1818, *Selkirk Papers*, 4793.
[9] Cf. *Selkirk Papers*, 4215.
[10] Gale to Lady Selkirk, *Selkirk Papers*, 4205.

General, had originally been retained by the North-West Company,[1] though he subsequently returned his retaining fee and endeavoured to stand aloof from both parties. Selkirk's interests were entrusted to Rideout, 'young and inexperienced',[2] and to Woods, whom Dr. Allen pronounced 'an impenetrable Dunce'.[3] Rideout and Woods were scarcely allowed to assist the Crown officials. 'Such a proceeding', said the Attorney-General, 'would be inconsistent with the established practice of Upper Canada.'[4] As late as August, 1818, indeed, according to the Minutes of the Executive Council of Lower Canada, the courts of Upper Canada had 'not yet decided whether they can or cannot take Cognizance in Cases of Indictment found in this Province'.[5] Most far-reaching of all were the technicalities involved in the extraordinary procedure of transferring the cases from the one jurisdiction to the other. The instruments of transfer were considered sufficiently formal by the Lower Canadian authorities if the person were described and the general charge indicated; Upper Canadian courts demanded a full specification of the offence. Cases involving those against whom true bills had been found in Lower Canada for 'conspiracy' were dropped altogether, because, as Gale expressed it, the instruments failed to say whether it was conspiracy against the Red River Settlement or 'the Emperor of Morocco or the Cham of Tartary'.[6] The Upper Canadian courts 'could not take cognizance of general charges'; the officials of Lower Canada

[1] 'Soon after his arrival in Canada, in a letter, dated November 16, 1817, addressed to a mercantile house in Montreal, (who acted as agents to the Earl of Selkirk) he expresses himself as follows: "I was retained by the North-West Company, before I left England, as their Counsel in all matters between them and Lord Selkirk, except in those cases in which I may be officially employed as Crown officer."' Amos's *Report of Trials*, p. xi.

[2] *Selkirk Papers*, 5772. [3] Ibid., 5720.

[4] Amos's *Report of Trials*, p. xiii. Cf. also, p. 140, *Life of Sir John Beverley Robinson, Bart.*, by Major-General C. W. Robinson, C.B., Morang & Co., 1904: 'Lord Selkirk had been, in his youth, brought up to the legal profession; and he assumed very much to control the conduct of such criminal proceedings as he desired should be instituted in his behalf against the agents and servants of the North-West Company. . . . . I declined to allow any further interference with my discretion and duties as public prosecutor than appeared to me to belong properly to his position as a complainant.'

[5] Canadian Archives, State J, p. 6. [6] *Selkirk Papers*, 5490.

stood on their dignity and would no longer try cases that had once been assigned for trial to Upper Canada. The charge of 'conspiracy' was 'stifled'; it was 'neither to be tried in the one Province nor the other'.[1] The ringleaders, declared Amos,[2] were 'altogether screened even from the forms of judicial inquiry'.

When the time arrived for the actual transfer of prisoners it was found that, with few exceptions, the defendants in the numerous charges against the North-West Company had retired out of reach of the law. Even after the transfer had been decided upon, the Deputy Attorney-General was actually instructed by advice of a Committee of the Executive Council to admit all North-westers to bail except those implicated in the case of Keveny.[3] 'The persons so liberated, with hardly an exception, made their escape into the Indian countries.'[4] Even these exceptions were insignificant subordinates who could be reached in any case only through their superiors. The persons indicted for the murder of Semple, for instance, were Cuthbert Grant, Perrault, Paul Brown, and François Firmin Boucher.[5] Grant and Perrault, it will be remembered, had escaped to the interior. For the trial of Brown and Boucher important witnesses were absent; in the case of Brown, one of the North-westers swore a complete *alibi*.[6] Scattered and confusing evidence of four or five years was worse confused by prejudice and ignorance. The full reports of the trial[7] warrant Gale's remark that the case was 'utterly confused and unintelligible'. 'All becomes a perfect chaos.'[8] The prisoners were acquitted, and one of them acquitted also on a further charge of robbery. To make the confusion complete, six North-westers were tried as accessories to the

[1] *Selkirk Papers*, 5824.

[2] *Report of Trials*, p. xvii. Andrew Amos was a Fellow of Trinity, Cambridge, and a barrister in London, who prepared the elaborate reports of trials in Canada for publication. For a life of him see *D. N. B.* i. 366.

[3] *Minutes of Exec. Council*, L.C., Canadian Archives, State I, p. 288.

[4] Amos's *Report of Trials*, p. xviii. [5] Ibid., p. 31.

[6] Ibid., p. 147. [7] Ibid., pp. 31–147; *Report of Proceedings*, &c.

[8] Gale to Lady Selkirk, Oct. 30, 1818, *Selkirk Papers*, 5501. Gale was present at the trial, and had been of course conversant with the facts of the case from the first.

murder of Semple before the principals were convicted and when it was well known that Cuthbert Grant, Perrault, Peter Pangman, and Demarais had escaped to the Hudson's Bay Territories.[1] The defendants were acquitted. Two others were acquitted on the charge of stealing in a dwelling-house during the destruction of the Settlement in 1815. The result of the litigation against the North-West Company was worse than useless. Of more than one hundred and fifty charges, covering the expulsion of the settlers, in 1815, the murder of Keveny while under arrest and in charge of a North-West partner, the death of Semple and twenty of the colonists, the subsequent destruction of the Settlement and the various other acts of violence of which partisans on both sides must have been fully cognizant, only one seems to have resulted in the verdict demanded by the law. Even that was the case of a self-confessed murderer who never paid the death penalty. The North-West partners seem to have inspired their subordinates with unlimited confidence in their power over the law.[2] Owing to the dispute with regard to boundaries, Reinhard's sentence was referred to the Prince Regent in Council, deferred for final settlement, and never executed. 'The result of these proceedings', reads a North West publication,[3] 'constitutes a Triumphant vindication of the parties accused, and a conclusive demonstration, not only of the obvious motives in which these frivolous and vexatious charges originated, but also of the iniquity of the means employed in bolstering them up, by every insidious art to prejudice the public opinion.'

The proceedings brought against the officials at the Settlement followed the same tedious and ineffectual course. It was possible, as Halkett pointed out to the Colonial Office, for the North-West Company to take the whole controversy to the Prince Regent in Council;[4] but for an obvious and logical

[1] *Report of Trials*, pp. 189–321.

[2] 'Before the North-westers left Quebec a grand dinner was given in the gaol at which Reinhart of course was one.' Allen to Selkirk, June 19, 1818, *Selkirk Papers*, 5059. Cf. also Selkirk to Sherbrooke, Feb. 7, 1818: N.-W. prisoners were 'all maintained by the Company in a Style of luxury to which they had previously been quite unaccustomed'.

[3] Quoted in *Trials in the Courts of Canada*, p. ix.

[4] *Selkirk Papers*, 5824.

reason, it has been seen, they declined to risk 'a substance in pursuit of a shadow'.[1] They held the field already, and were 'determined to redress all grievances they may suffer, themselves'.[2] 'Sheriff' Spencer was arrested in the autumn of 1814, kept in private custody of the North-West Company during the winter, spring, and summer, and reached Montreal in the autumn of 1815 with Miles Macdonell, who had been taken in the preceding June on a charge of breach of the peace. At Montreal, a new warrant was issued for felony. North-westers were advised in England that it would be impossible to proceed further.[3] The case was not dropped, however, by the Montreal partners; and the trials involving Macdonell, Spencer, and Robertson were postponed from session to session and from year to year, in September 1816, September 1817, February, March and May 1818, in endless confusion, and in alternation, as Selkirk wrote, between King's Bench and Oyer and Terminer, 'alias Interminable'.[4] Meanwhile it was necessary to appoint a new Governor at Red River while Macdonell and Spencer were supported at Selkirk's expense at Montreal or in England. Finally, in May 1818, when Spencer and Robertson were arrested under a new warrant and were required to give bail for their appearance in September, they 'peremptorily refused' and 'declared that they would go to prison and remain there till the Attorney-General thought fit to try them, rather than continue thus to give Bail from March to September and September to March'.[5] A *nolle prosequi* was entered for all but Colin Robertson and four others, who were tried in May 1818 for a riot in the events at Red River in June 1816, and were acquitted by the jury 'after a few minutes consideration'.[6] This, it is claimed, was

[1] N.-W. Co. to H. B. Co., Dec. 27, 1815, *Selkirk Papers*, 254.

[2] James Hughes, a North-West partner, in *Papers Rel. to R. R. S.*, 1819, p. 163.

[3] 'It now appears . . . from the best Legal Opinions in this Country, it will be impossible to proceed further, as the Defendants evidently acted under a misapprehension of authority, and no sufficient proof can be adduced of a felonious intent.' Inglis, Ellice & Co. to Goulburn, Feb. 1, 1816, *Narrative of Occurrences*, p. 67.

[4] *Selkirk Papers*, 5830 et seq.; Selkirk to Lady Selkirk, April 1st, 1818, *Selkirk Papers*, 4742.

[5] *Selkirk Papers*, 5836.

[6] Amos's *Report of Trials*, pp. 1–27.

the only case which the North-westers had brought to trial against persons connected with the Settlement.[1] Even Colin Robertson, it was expressly stated, was not officially 'connected with the Settlement'.[2] Amos, whose legal attainments and constitutional learning give weight to his verdict, sums up the four years of litigation in words that are not complimentary to the Canadian judicature.[3] The conclusion was inspired perhaps by Selkirk himself. The evidence adduced showed 'a state of Society of which no British colony has hitherto afforded a parallel:—Private vengeance arrogating the functions of public law;—Murder justified in a British Court of Judicature, on the plea of exasperation commencing years before the sanguinary act;—the spirit of monopoly raging in all the terrors of power, in all the force of organization, in all the insolence of impunity'. The prosecution of criminal offences depended upon the 'disposition, the abilities, and the leisure of the Crown officers'.

It would not be difficult to suggest qualifications to be made in this dismal picture. Lady Selkirk, less frequently perhaps than Selkirk himself mistaken in the estimation of character, has a good word to say for Coltman[4] and for John Beverley Robinson.[5] Selkirk, it must be affirmed, was not frankly communicative; and an unsuccessful litigant, however deep the injustice, is seldom nice either in language or in judgement. For primary lack of success, in Selkirk's own estimation, it was not necessary to look so far afield as the Canadian Bench. Halkett, it will be seen, placed the responsibility on more exalted shoulders.[6] Meanwhile the effect upon Selkirk himself was most injurious. His opponents saw little but the 'Stubborn patience'[7] and 'Lord Selkirk's indomitable perseverance'; but the correspondence with intimate friends in England, and above all Lady Selkirk's letters

[1] Amos, *Report of Trials*, xxiv. [2] Ibid.
[3] *Report of Trials*, xxiii–xxiv.
[4] 'Such is the man's bonhommie and good nature that none of us can quite attribute bad intentions to him either.' Lady Selkirk to Lady Katherine Halkett, Dec. 30, 1817, *Letters*, p. 214.
[5] *Selkirk Papers*, 5080. [6] See, however, p. 131, note 2.
[7] *Selkirk Papers*, 4742.

to her sister-in-law, reveal something of the poignancy of the disappointment. Selkirk wrote of the 'perplexities of the law aggravated by every circumstance that could well be added to render them more irksome and vexatious'.[1] His health, also, had begun finally to give way under the strain. 'The sedentary life of Montreal,' he wrote in August, 'with the concomitants I have alluded to, has been undermining me.' The fatigue and privations of the long journey to Red River had been stimulating by comparison. 'Willingly', he wrote, 'would I undergo ten times as much to be out of the pettifogging atmosphere of this Province.'[2]

It was nearly three months before he was forced at last to admit that he could no longer sustain the burden. Never perhaps did Lady Selkirk's courage show to better advantage than during this period of failure and discouragement. She discussed with Gale the perplexities of Canadian law; she stood between Selkirk and the impatient advice of unsympathetic friends at home. 'I am placed as it were in the focus', she wrote, 'to receive shots in every direction, and I suffer twice what all the rest of the party undergo once.'[3] She responded to Halkett's exertions on her husband's behalf with the tribute of profound but undemonstrative gratitude. Her own exertions touch upon a remarkable variety of temperament: determination, pleasantry, consolation, solicitude, loyal vindication, and at the last almost tragic resignation to the inevitable. 'I think we are all agreed', she wrote evenly to Halkett, 'that although we must weigh well whether the gain is worth the expense, yet if we are to be poor for three generations we must absolutely fight this out.'[4] 'We are all very cool and candid', she wrote in defence of Selkirk, 'when not attacked, but no temper but his own could have stood the repeated fire.'[5] When it became apparent that

[1] Selkirk to James Stewart, Aug. 14, 1818, *Selkirk Papers*, 5273.
[2] Ibid.
[3] Lady Selkirk to Halkett, *Letters*, p. 210.
[4] *Letters*, p. 194.
[5] 'After the evil was done he got a series of letters that must have vexed and annoyed him to the greatest degree . . . He is far too unsuspicious, and with the worst opinion possible of them in the lump these wretches deceived him in detail.' *Letters*, p. 206.

Selkirk's return to England was absolutely necessary, she wrote of the failing health, the feverish nervous sensitiveness, 'the bitter reflections'. 'He is vexed enough at what is past. Were his strength of mind and body now to fail, where are we?'[1] She determined to await Selkirk's return in Montreal. 'My remaining leads every one to expect him back in the spring, and his going home only gives courage and spirits to our friends.'[2] Selkirk's lungs had given way, however, and he was not to return. A fortnight was spent in New York in exhaustion of body and anxiety of mind. He sailed for England in November and Lady Selkirk in the following March. Thenceforth the controversy took an even more depressing tone. The rest of his life was spent in an unavailing conflict against the Colonial Office and a lingering but fatal disease.

Two months after Selkirk's departure from Canada, the case of Smith the constable was revived at York, and Daniel McKenzie[3] was induced to bring a similar suit against Selkirk for false imprisonment. Selkirk's attorney was Rideout, 'young and inexperienced'. Woods, Selkirk's other counsel in Upper Canada, had written in October that the burden was 'too great for an individual to support'.[4] Selkirk's witnesses had long since dispersed; Dr. Allen's was the only evidence available for the defence.[5] A verdict was returned for £1,500 in McKenzie's case and £500 in that of the deputy sheriff. North-westers were elated. Accounts of the case appeared in the Montreal *Herald*, and were copied into the London papers to confront Selkirk even in England with ghosts of unburied causes in Canada.

[1] *Letters*, 232. [2] Ibid., 224.

[3] Cf. *Letters*, p. 200, June 12, 1817: 'Poor Dan Mackenzie is on the high road to unsay all he has sworn and go back to what he said to Lord Selkirk . . . He is sending me the most tender messages, by every person he thinks will have a chance to send them round to me, assuring me that Lord Selkirk will be quite safe with his people, that Lord Selkirk is the first of human beings, that all the North-West have made him say is false, no ill usage, no compulsion, no unfair transactions, that he wishes his Tongue had been cut out before he said anything against Lord Selkirk, &c., &c.' Lady Selkirk to Halkett.

[4] Woods to Allen, Sandwich, Oct. 1818, *Selkirk Papers*, 5432.

[5] *Selkirk Papers*, 5772. In McKenzie's case 'the defendant's counsel limited themselves to cross-examination of the witnesses'. *Papers Rel. to R. R. S.*, p. 286. For Smith's case, see above, pp. 136 and 144.

CHAPTER XI

THE END OF THE SELKIRK RÉGIME

THE return to England, as Lady Selkirk had foreseen, was the signal for organized co-operation among Selkirk's friends to ensure at least an adequate consideration of the question by the British Cabinet. There were suggestions of activity in the House of Commons in the form of 'an attack upon Lord Bathurst';[1] but the services of an opposition party were not calculated to elicit a favourable response from the Ministry. Brougham was not discriminating in his use of private grievance as a convenient weapon against the Government. The agitation was personal, not political; Selkirk's 'undertaking, . . . in a manner the object of his whole life', was not to degenerate into an incidental party quarrel. He was surprised, indeed, to find that the Cabinet had never been consulted with regard to the dispatch of February 11, 1817. The attitude taken by Goulburn remained quite unknown to Selkirk's friends in the Cabinet, Sidmouth and Melville, till Selkirk himself placed the information before them in person.[2] It is to be noticed in the original dispatch of February 11, that the words 'His Majesty's Government' are carefully but not completely erased and the pronoun 'I' substituted for them.[3] Even the Colonial Secretary could scarcely have given the matter his fullest consideration. Selkirk's friends at least were no longer to be 'withheld by delicacy from pushing their way direct to Lord Bathurst'.[4] It was Feb-

[1] *Selkirk Papers*, 6156.

[2] 'I must own that I thought it could bear but one interpretation and that I was to find a decided enemy, not in Lord Bathurst only, but in every member of the Cabinet. It was with very great surprise, that on seeing Lord Melville and Lord Sidmouth within these two days, both of them assured me that they had never till now been informed of the orders sent out by Lord Bathurst on the 11th February 1817.' Selkirk to Lord Hopetown, Feb. 2, 1819, *Selkirk Papers*, 5861.

[3] Canadian Archives, G. 19, p. 63. See Appendix C.

[4] *Selkirk Papers*, 6513.

ruary 19, 1818, it would seem, before replies to the dispatches to Bathurst from the Hudson's Bay Company received the signature of the Colonial Secretary.[1] Berens had written in April 1816 that 'the neutrality of Lord Bathurst' at that date left 'Ellice exceedingly angry'.[2] The share of Ellice and of Ellice's friend Goulburn in shaping the plastic opinion of the Colonial Office is scarcely to be overlooked.[3] 'Such is the strange ascendancy', Selkirk had written bluntly,[4] 'which the North-West Company have obtained over the mind of Lord Bathurst or (perhaps I should rather say) of Mr. Goulburn that I have great doubts whether the papers will receive so much as a deliberate perusal.'

Delay proved most unfortunate. Nearly two years after the original ordinances of the Hudson's Bay Company had been submitted to the Colonial Office for a definite understanding upon their rights, Goulburn replied in January 1817 that no opinion could be expressed pending the results of trials in Canada for crimes which had occurred in the meantime:[5] 'no precaution', as Selkirk wrote in protest, 'was to be taken to prevent future outrages till after it had been ascertained who were really guilty of the Past',[6] and the decision upon the rights of the Hudson's Bay Company was to be left to a colonial court. 'Nothing short of a fatal encouragement', wrote Berens, 'has been thereby held out to the North-West Company.'[7] The Hudson's Bay Company had begged for protection for the settlers through the Canadian Government: 'the request was not granted'. They had applied for similar protection at the expense of the Hudson's Bay Company by way of Hudson Bay: 'it was refused'. They had intimated their intention of taking necessary measures consistent with the rights of the Charter: they 'were warned against adopting this measure'. They had asked therefore to have the matter officially submitted to

[1] *Selkirk Papers*, 4469, 6713, &c.
[2] Ibid., 2169.
[3] *Selkirk Papers*, 6513, &c. *Report from Sel. Comm.*, 1857, p. 346.
[4] To Berens. The letter is marked 'Not sent'. See p. 101 and *Selkirk Papers*, 1939.
[5] See p. 99.
[6] *Letter to the Earl of Liverpool*, p. 16.
[7] H. B. Co. to Bathurst, Feb. 4, 1818, *Selkirk Papers*, 4478.

the law officers of the Crown. 'The result of this reference was promised to be communicated but we have never been able to obtain it.' In the meantime the rights of the Charter had been infringed, lives had been sacrificed, property destroyed, and the Company subjected to financial losses of more than £40,000.

The case of Selkirk himself was stated even more forcibly. Halkett's letter to Bathurst, perhaps the most trenchant and detailed document in the *Selkirk Papers*, was written in the heat of resentment when Selkirk for the first time, after more than a year of mystery, discovered by accident the source of hidden influence against him. Among papers submitted to him in March 1818 by the Attorney-General of Lower Canada there appeared by mistake a copy of the full instructions of Bathurst with regard to legal proceedings against Selkirk.[1] When the mistake was discovered, personal application to Selkirk to refrain from using the document was made in a way which left no doubt in his mind of the part it had played during the preceding year of inquiry and litigation. With great skill and effectiveness Halkett traced the conspicuous lack of zeal among the officers of the Crown, the refusal to allow Selkirk the British right of employing private counsel to support the regular officials,[2] the 'general conspiracy which seems to have existed' among those to whom an injured man naturally looked for redress, the 'marked stigma' fixed upon Selkirk 'without the slightest opportunity having been afforded him of being heard in his defence';[3] the injustice of branding the character of a man of Selkirk's station upon the authority of a single affidavit, and that too of the man in whose handwriting was drawn up part of the notorious *Red River and Colonial Register* of bribes and rewards for wavering colonists in 1815; the injustice of

[1] 'Instructions other than purely legal had been omitted; for instance, the passage relating to 'military force' and the 'special measure of severity' in case of resistance.' Canadian Archives, G. 19, pp. 65, 68, &c., *Selkirk Papers*, 5779, &c.

[2] 'Right of a private Prosecutor in this Country to employ his own Counsel was I presume never disputed.' *Selkirk Papers*, 5841.

[3] *Selkirk Papers*, 5843.

issuing official instructions to arrest, indict, and prosecute a man who was guilty of a misdemeanour at most, and whose trial on that very charge had resulted in an unqualified acquittal; the extraordinary minuteness with which the Colonial Office in this particular case had issued instructions to meet every contingency—how the Act of Parliament was to be interpreted, how magistrates were to grant warrants, how process of court was issuable, how returnable; 'in short how constables might catch and Attornies-General indict him.' For the facts, which Halkett claims to have stated 'faithfully and without exaggeration', Selkirk pledged himself 'to produce unquestionable proof'. 'It is evident', wrote Halkett, 'that he has been treated with marked and signal injustice.'[1]

Goulburn's reply[2] is important here only so far as it illustrated the hopelessness of obtaining redress by polemics against the Colonial Office. Information, Halkett had stated, upon which the official dispatch of February 11 was founded, had been derived without scrutiny from the unverified evidence of an unscrupulous partisan; Goulburn replied to Halkett that Bathurst did not 'think it necessary to enter into fuller explanations of the Paper, more particularly considering the manner in which Lord Selkirk had obtained possession of it'. Halkett's detailed statement is dismissed with the remark that the quotations from the dispatch of February 11 were 'very inaccurate'. The 'inaccuracies' consist of scarcely twenty variations, of which twelve are in the use of capital letters, two are already corrected tentatively in the margin of Halkett's letter, two are in the spelling of proper names, and the others are without any significance whatsoever in the purport and application of the document.

The case against Bathurst was followed by an attempt to reach Liverpool himself and the Privy Council. Selkirk's letter to the First Lord of the Treasury was only less

[1] 'It cannot be expected that a man who has been so injured is to sit tamely down and have his rights of Property trampled upon, and what is of more importance, his Character wantonly traduced.' *Selkirk Papers*, 5853. See however p. 131, note 2.

[2] *Selkirk Papers*, 5854-5.

trenchant than Halkett's.[1] Liverpool replied[2] with all courtesy, and promised at least 'a careful consideration of the Documents'. An attitude of prudent circumspection, at least, among other members of the Cabinet was reassuring. The matter could no longer be disposed of by an under-Secretary. There was a motion for papers in Parliament and encouraging evidence elsewhere that opinion was turning in Selkirk's favour. Zachary Macaulay assured him of his co-operation. Wilberforce wrote of 'some opportunity of doing justice to your Lordship', under the conviction that the plans for colonization 'had been undertaken with a view to the improvement and benefit of your fellow creatures.... I never have had any misgivings on that head'.[3] In March Selkirk 'had hopes of a good conclusion'. 'I have of late had the satisfaction', he wrote in August, 'of finding the public beginning to be sensible of the infamy of the proceedings in Canada ... and I believe truth and justice will prevail at last.'[4] The prospective victory, however, was again illusory. Selkirk's health had hopelessly given way, and irresistible influences were already at work to bury the blunders of all parties concerned by an agreement between the contending companies.

Selkirk's health had never recovered from the unfortunate winter in Montreal. Periods of extreme physical exhaustion became increasingly frequent. Short periods of recovery were followed by the recurrence of haemorrhage and relapse. For a time it seemed that the stimulus of excitement and prospective success was restoring the characteristic vitality; but vindication was too long deferred. Wilberforce deplored with unaffected anxiety the effects of mental vexation.[5]

[1] Published April, 1819. [2] *Selkirk Papers*, 6132.

[3] 'Yet I know', he added frankly, 'that in the prosecution of a favourite object, men are sometimes led into the use of means which they may afterwards see reason to disapprove. And this especially happens, when from the nature of the case, we are obliged to avail ourselves of the services of men, whose character we cannot scrutinize very nicely. Excuse me, if I say that I conceived such might be your situation.' *Selkirk Papers*, 6213, 6363, &c. [4] *Selkirk Papers*, 6433.

[5] 'And now my dear Lord, let me complain of you for not satisfying the unaffected solicitude I feel about the state of your health.' *Selkirk Papers*, 6363.

'I wish the Body may not receive some serious injury from the Mind. I fear the sword may wear and damage the Scabbard.' It was when Selkirk felt that the situation was most critical that he was thrust 'head and shoulders out of town', as he wrote with forced pleasantry to his counsel, 'with orders not to meddle with business'.[1] There can be no doubt that the mental strain was responsible for the rapid decline during the closing months of his life. Lady Katherine Halkett mentions the fatal effects of a paragraph in the London papers inspired by the North-westers, 'insidiously alluding' to the McKenzie trial in Canada. Selkirk was preparing to institute an action for libel when another haemorrhage took place, and 'from that time forward', wrote Lady Katherine Halkett, 'we had nothing but anxiety, sorrow, labour of body, and heart break'.[2]

Selkirk decided to spend the winter at Pau in France, in the vain hope of recovering his health in time to renew the conflict in the spring. The forces towards compromise, however, were beginning to be felt. Selkirk himself began to see that there was no place for him in the exigencies of a practical settlement. Even the persistent devotion to what had been the chief object of his life was not sufficient, it will be seen, to counteract the necessity of terminating the feud between the companies. As strength declined, the hopelessness of the struggle became more apparent. Nothing was forthcoming to relieve the gloom which must have clouded Selkirk's mind when first he realized that he could not hope to live. From that point he sank rapidly. Lady Selkirk, with resignation broken by unwonted emotion, describes to Lady Katherine Halkett the exhaustion of body, the decline sudden and rapid, the perfect tranquillity of mind at the last, the inexhaustible patience. 'Everything like disturbance of mind had passed away, no bitter feeling seemed to remain.'[3] The end came swiftly but not unexpectedly, at Pau on April 8, 1820. He lies buried in the Protestant cemetery.

[1] *Selkirk Papers*, 6198.
[2] *Letters from the Countess of Selkirk to Lady Katherine Halkett*, p. 242.
[3] *Correspondence*, vol. vi, p. 1005.

It remains briefly to trace the close of the 'Selkirk Régime' in the history of the Hudson's Bay Company and the Red River Settlement. Since 1812, probably, Selkirk's influence alone had saved the Hudson's Bay Company from being uprooted by the North-westers at Montreal. None now questioned the wisdom of Sir Alexander Mackenzie's advice in 1811; and with the exception of Selkirk himself there were few in the Hudson's Bay Company, even when the conflict was at its height, whose partisanship was founded upon principle or whose interests could not be satisfied by large dividends. The influence at this critical stage of Selkirk, and particularly of Lady Selkirk, has already been outlined. The North-West partners of Montreal foresaw nothing but disaster for the Canadian fur trade. William McGillivray wished himself 'decently out of it'.[1] Even the North-West litigation in Canada was a Fabian policy which yielded no positive results.[2] As the time approached for the dissolution of the North-West partnership,[3] the prospects became still more gloomy for the Montreal partners. The 'winterers' were discontented with their share of the profits and discouraged by their share of the hardships of the enterprise. A few of them were making overtures to Selkirk through Gale and the Montreal agents.[4] Colvile, for the Hudson's Bay Company, had agreed as early as December, 1819, to grant them a 'joint share of the management and arrangement of the business with the present servants of the Company'.[5] They were held in check, however, 'being unable to get what is due to them from the Montreal houses';[6] but there can be no doubt that the discontent explains much of the insistence of the North-West partners at Montreal and in London upon an amnesty and a speedy compromise.

Overtures towards settlement seem first to have come from Ellice, who for obvious reasons was at this time the most

[1] *Selkirk Papers*, 2454. See p. 116. [2] Ibid., 4464.
[3] The contract between Montreal and winter partners expired or was to expire in 1822.
[4] Gale to Lady Selkirk, *Selkirk Papers*, 6493, &c.
[5] Colvile to Gale, Dec. 24, 1819, *Selkirk Papers*, 6611.
[6] Gale to Lady Selkirk, Sept. 1819, *Selkirk Papers*, 6501.

powerful North-West partisan in London.[1] He wrote repeatedly in confidence to Colvile, discussing the possibilities of purchasing a controlling interest in the Hudson's Bay Company at their own valuation, stipulating the dropping of all legal proceedings, and pledging himself to 'agree to such conditions as A. Colvile may think necessary or expedient, to assure to such Settlers as have been sent into the Red River by Lord Selkirk, if they should be disposed to remain in that Country, the same support which Lord Selkirk . . . has promised to them'. Failing this, the North-West Company would send them to Upper Canada or to the United States 'without expense to the Colonists'.[2] The proposals were submitted to Selkirk, who replied scathingly that he was at a loss to see 'how any security which they have the means of giving' would justify him in placing either his property or 'the people who have settled upon his lands and under his protection . . . completely at the mercy of that association'.[3] 'The choice between the adoption and rejection of Ellice's proposal', declared Lady Selkirk, 'is merely a question between money and principle.'[4] Ellice wrote again, however, of 'losses and ultimate ruin'; and finally Goulburn threw in his influence in no uncertain manner. 'He urged the expediency of a compromise', wrote Sir James Montgomery,[5] 'without obliging the Council to decide, because he thought the decision might be unfavourable to both and added that Government might be disposed to go into and confirm any arrangement the Parties might make between themselves.'[6] Selkirk realized at last that the forces against him were overwhelming. His financial losses were ruinous. His relatives were chafing under such enormous sacrifices for so remote an enterprise. Failing in health and almost single-handed, it was impossible for him to continue the conflict. Something must be done;

[1] In 1820 Ellice was Member of Parliament for Coventry. *Correspondence*, vol. v, p. ii.
[2] Ellice to Colvile, Dec. 2, 1819, *Selkirk Papers*, 6622, &c.
[3] *Selkirk Papers*, 6628.
[4] Selkirk to Colvile, Jan. 8, 1820. *Correspondence*, vol. vi, p. 973a.
[5] Who had moved in the House for papers on June 15, *Selkirk Papers*, 6267.
[6] *Selkirk Papers*, 5966.

and even in the defiant refusal of Ellice's proposals, against which Selkirk bent every impulse of his remaining strength, there is a note of impending necessity. 'It is only the impossibility of holding out against the Colonial Department and the North-West Company together that can justify it.'[1] 'Our affairs are desperate,' wrote Halkett; 'Necessity has no law.'[2]

It was in keeping with Selkirk's resolute attitude from the first, that he did not live to see the surrender of his 'principle'. More than a year passed after his death before 'the coalition' was finally consummated.[3] The terms of the agreement were scarcely such as Gale and the Hudson's Bay agents in America felt justified in expecting; and certainly not what Selkirk would have exacted had health been spared to him.[4] There were 'well-grounded complaints' among the winter partners, who had a right to expect more generous treatment; there was much rejoicing among 'the McGillivrays', who had apparently secured terms 'excessively and unreasonably favourable to the North-West Company'.[5] On the whole, there was much satisfaction to the Hudson's Bay Company, who by retaining the real management of the trade by way of Hudson's Bay deliberately starved the Montreal houses, and within a few years had re-established their ascendancy as it had never existed before.[6] Many of the chief actors disappear from the stage. 'What say you', wrote Halkett to Lady Selkirk, 'to going out next summer to

[1] Selkirk to Colvile, Pau, Dec. 11, 1819; *Correspondence*, vol. vi, p. 966b.

[2] *Correspondence*, vol. vi, p. 1023.

[3] Colvile wrote, Feb. 24, 1821, of 'the arrangement which is nearly completed with the N.-W. Co., which will secure the peace of the whole country as the whole trade is to be conducted by the H. B. Co. the Partners of the N.-W. Co. receiving a certain share of the concern. The agreement is not yet signed but the heads are agreed to and the lawyers are preparing the papers.' *Selkirk Papers*, 7093.

[4] Profits were to be divided in the proportion of 55 to the North-westers and winter partners and 45 to the H. B. Co. Of the 55 per cent. the agents at Montreal received 30 and the winter partners 25. The former ratio between agents and winterers in the N.-W. Co. had been 23 and 37. Gale to Colvile, June 30, 1821. *Selkirk Papers*, 7315 et seq.

[5] *Selkirk Papers*, 7315.

[6] *Correspondence*, vol. viii, 1260: 'Simpson's plan of turning everything into the Bay.' Lord Selkirk to Lady Selkirk, Sept. 5, 1836.

Montreal to see them all put together into this whitewashing tub and purified?'[1] Simon McGillivray quickly lost his preponderating influence.[2] Shortly after the coalition the firm of McGillivray, Thain & Company in Lower Canada failed, and William McGillivray died in Great Britain. The firm of Inglis & Ellice failed in London.[3] 'I do not know whether you were wicked enough to wish to be revenged', wrote young Lord Selkirk from Canada in 1836; 'if you ever did I can assure you it has been done to the full.'[4] In the interior the picturesque customs of the fur trade were combined with shrewdness and economy. Correspondence relapses into inventories and the minutiae of a hard but lucrative system. The Old Company resumed again its placid and mysterious existence.

For the settlement, the Selkirk régime lingered on for nearly fifteen years after the death of its founder. One clearly marked phase, at least, comes abruptly to an end at the coalition. The quiet resumption of the normal tendencies of the Hudson's Bay Company indicated the passing of the influence which had forced the settlement for ten years into unwonted prominence. The conflict between the aims of colonization and the interests of the fur trade is to be traced almost continuously from the beginning of Selkirk's influence in the Hudson's Bay Company to the termination of the long 'fight for free trade' in furs at the Red River Settlement, by the Sayer trial in 1849. During the period preceding the grant of Assiniboia in 1811, Selkirk's indifferent success in inducing the Company to adopt a systematic scheme of colonization, was accompanied, it has been pointed out,[5] by the studied neglect of the officials at Hudson Bay to carry out the 'instructions which had been given . . . respecting the formation of a colony'. The grant of Assiniboia to Selkirk in person to enable him 'to take upon himself the

[1] Jan. 20, 1821, *Correspondence*, vol. vi, p. 1022.
[2] *Selkirk Papers*, 7374, &c.
[3] *Correspondence*, vol. viii, p. 1266.
[4] Ibid., vol. viii, p. 1260.
[5] See p. 33.

charge of forming the intended settlement'[1] may be taken as a welcome release to the Company from the official adoption of projects which Selkirk had been advocating for ten years. The old directorate thus escaped the responsibility: the officials at Hudson Bay discovered with dismay that Selkirk's influence was paramount, and that neither covert opposition to the settlers nor direct protest to Selkirk in person could stay the attempt to establish a colony in the West. The implied antagonism, however, between settlement and fur trade is stereotyped rather than terminated. The grant involved the stipulation that neither Selkirk nor his settlers should 'carry on or establish or attempt to carry on or establish . . . any Trade or Traffick in or relating to any kind of Furs or Peltry'.[2] The settlement, it may be said, remained under Selkirk the paramount issue, but it would be possible to trace in abundant detail from the *Selkirk Papers* the covert opposition of the Company's officials and the veiled indifference of the directorate.

Even the main current of opposition to settlement originated perhaps near the same source, though it came, of course, through quite another channel. North-westers were convinced that colonization was incompatible with the fur trade—that it was 'in its essence . . . injurious to our trading interests';[3] and having convinced themselves in addition that 'this pretended scheme of a colony was no other than a cloak thrown over the avaricious designs of the Earl of Selkirk to become a monopolizer of the fur trade',[4] opposition to settlement was avowed by the North-West Company as almost a corollary of self-preservation. In the course of that opposition is almost to be traced the measure of Selkirk's immediate success or failure. The ultimate results of Selkirk's work are to be estimated by another standard; but while he lived the one

[1] *Correspondence*, vol. i, p. 14.

[2] From *An Abstract of the several conditions expressed in a certain conveyance from the Governor and Company of Adventurers of England Trading into Hudson Bay, to the Right Honourable Thomas, Earl of Selkirk, of part of Rupert's Land.*

[3] William McGillivray to Coltman, Mar. 14, 1818, *Papers Rel. to R. R. S.*, 1819, p. 135.

[4] Ibid., p. 136.

implacable force against him was the inveterate hostility of the North-West Company, founded upon the conviction that Selkirk's rights of property, claimed and eventually vindicated in Assiniboia, would 'strike at the very existence of our trade'.[1]

Herein lay the grave significance of the coalition for the Red River Settlement. The interests of the fur trade once more predominated. The indifference of the old Hudson's Bay directorate was no longer concealed; North-westers continued 'the most rancorous hostility to the settlement'.[2] Colonization at Red River was left for two generations stranded above the current upon which Selkirk had hoped to launch it. 'Every Gentleman in the Service both Hudson's Bay and North-West', wrote George Simpson, the coming Governor of Rupert's Land, was 'unfriendly to the Colony.'[3] One of the chief directors heartily wished the Red River affairs 'had been in the Red Sea twenty years ago'.[4] The chief difficulties, indeed, had at last been surmounted. The vexed question of jurisdiction was decided in accord with Selkirk's contention from the first, 'the right of the Governors and their Councils under the Charter to administer Justice according to the Laws of England having received the Sanction of the Secretary of State'.[5] The right of self-defence, upon which Selkirk had insisted, was also recognized, 'the Secretary of State having also given his approbation of the plan of enrolling a Militia'.[6] For several years, however, the Directors looked askance upon the settlement. Simpson wrote that it would 'ultimately

[1] 'The Committee of the Hudson's Bay Company is at present a mere machine in the hands of Lord Selkirk, who appears to be so much wedded to his schemes of Colonization in the interior of North America, that it will require some time, and I fear cause much expence to us as well as to himself, before he is driven to abandon the project; and yet *he must be driven to abandon it*, for his success would strike at the very existence of our Trade.' Simon McGillivray to N.-W. Co. Partners, April 7, 1812. *Selkirk Papers*, 9109.

[2] Simpson to Colvile, Sept. 8, 1821, *Selkirk Papers*, 7397.

[3] Simpson to Colvile, May 20, 1822, *Selkirk Papers*, 7623. It is necessary to distinguish between the Governor of the Company in London, the Governor of Rupert's Land presiding over the fur trade in America, and the Governor of Assiniboia at the Red River Settlement.

[4] *Correspondence*, vol. v, p. 1028.

[5] Colvile to Simpson, *Selkirk Papers*, 8145.

[6] Ibid.

ruin the Trade' if more drastic management were not adopted.[1] The Governor and Committee were quite 'convinced that a well managed and governed settlement will be of service,' wrote Colvile, 'and if ill managed it will be an injury to the trade'.[2] Even Selkirk's executors took up the burden of the settlement reluctantly and made it clear that Selkirk's mantle had not fallen to another. 'The subject of consideration', it was stated quite frankly, 'is not how to form a settlement upon the most solid and enlightened System and government; but how to form the best Settlement and give it the best government that the means and funds which the Executors can properly appropriate to this object, and other circumstances relating to the nature and situation of the property, will permit.'[3]

The stage therefore from the coalition in 1821 to the transfer of the Settlement from the Selkirk family back to the Company in 1834 may be said to be marked by the desire to 'make the best of a bad bargain'. In this attitude of opposition to settlement in general, it would be less than just to charge either Selkirk's executors or the Hudson's Bay officials with deliberate hostility to the Red River Settlement in particular. Despite the justifiable impatience with the blundering mismanagement of petty officials, there is an attempt to be just to the settlers and scrupulously exacting from the fur trade. Colvile wrote frankly to the Governor of Rupert's Land that the Governor and Committee of the Company in London would 'not suffer the fur trade to oppose or oppress the Settlement, and if it be attempted, the expence of redressing the evil must and will fall on the fur trade as in Justice it ought'.[4] Even at Red River, the attitude of the Company's officials was supercilious rather than hostile. Governor Simpson wrote humorously of the council meetings of 'grumbling senators' at the Colony Fort—opening usually 'with the Bottle' and concluding with a boxing match between the Colonial Governor and a burly settler, while the

[1] Simpson to Colvile, May 20, 1822, *Selkirk Papers*, 7600.
[2] *Selkirk Papers*, 7829. [3] Memorandum, *Selkirk Papers*, 7533.
[4] March 10, 1824, *Selkirk Papers*, 8148.

'sage councillors . . . stood by and saw fair play'.[1] The account closes with a suggestive proposal for a regular council, to include the Company's Chief Factor for the district and the Roman Catholic bishop.

The material development of the Settlement during the closing years of the Selkirk régime was attended by a strange variety of calamities, both natural and artificial. In 1818, locusts swarmed upon the fields to the depth of several inches, and formed for three years a 'sickening and destructive plague'. Seed wheat after the plague was procured by way of the Mississippi at a cost of £1,000 to the Selkirk estate. Selkirk's executors, indeed, can scarcely be charged with parsimony. The experiments that filled the years after Selkirk's death seem to have exhausted the range of the country's resources. Hayfield experimental farm, one of Selkirk's favourite projects, resulted in little but 'mismanagement, disappointment and ruin'. Some of the buildings were burnt to the ground; when the undertaking was abandoned in 1822 the loss to the Selkirk estate was estimated at £2,000. A Buffalo Wool Company was organized 'with as much confidence', says Ross, 'as if the mines of Potosi had been at their doors'.[2] Lady Selkirk herself sought to interest British weavers in the possibilities of the buffalo shawl as an article of fashion. Reckless prices were paid for buffalo hides; the farmer 'threw aside the hoe and spade to join the plain-rangers'. The cost of producing cloth which sold for 4*s.* 6*d.* per yard was found to be two guineas. The collapse of the company in 1825 was followed by a series of hapless ventures with flax, and wool, and tallow, and finally with another experimental farm which entailed further losses of £2,500 before it was finally abandoned. Governor Simpson wrote of the 'strange fatality attending this unfortunate Colony'. It seemed that sound economic thrift was impossible in an atmosphere of pampered dependence.

Natural reverses culminated in the disastrous flood of 1826. During the preceding winter a phenomenally heavy fall of

[1] *Selkirk Papers*, 8031.

[2] Ross's *Red River Settlement.*

snow drove the buffalo from the vicinity; more than thirty of the plain-rangers perished on the prairies from exposure or starvation. In the spring, the river, swollen by the melting snow, rose nine feet in a single day. A few days later the stream swept over the river banks and buried the Settlement beneath several feet of icy water. The flood of 1826 was considered 'an extinguisher to the hope of Red River ever retaining the name of a Settlement'.[1] When the water subsided there was a migration to the United States of the 'de Meurons' and a party of Swiss who had been induced in 1821 to settle in Assiniboia. For the third time within eleven years the Scottish settlers resolved to begin anew at Red River.

The flood of 1826 proved to be at last the turn of fortune. A series of prolific harvests re-established the Settlement in the good graces of the Company. 'This settlement', wrote Governor Simpson in 1829, 'is in the most perfect state of tranquillity, "peace and plenty" may be said to be its motto.'[2] The enthusiasm of the Hudson's Bay officials becomes, in fact, so pronounced that the sudden contrast suggests a degree of calculation. There were obvious reasons for concentrating control as far as possible in the hands of the Company. As early as 1822 private traders had appeared on the American border; the Company was finding it necessary to safeguard with increasing vigour their cherished monopoly of the fur trade. The vindication of the right of the settlers under Captain Bulger,[3] to trade with the Indians for provisions, leather and horses, was followed by the establishment of a strong police force, as the instructions to Captain Pelly[4] state, 'for the protection of the settlers and the Stability of the Colony'.[5] The process of 'smoothing'—to use the ex-

[1] Simpson to Colvile, June 14, 1826, *Selkirk Papers*, 8434.
[2] *Selkirk Papers*, 8473.
[3] Governor of the Colony in 1822. Bulger introduced much 'system and regularity' into the Settlement after the gross mismanagement of Alexander McDonell—'the Grasshopper Governor', more destructive than the plague. See p. 111, note, and *Selkirk Papers*, 7380, &c.
[4] Bulger left the Settlement in August, 1823, and Pelly arrived as Governor in September.
[5] *Selkirk Papers*, 7791.

pressive phrase of that time—the signs of discontent by adroit management and appeals to private interest, could not always be relied upon to stop the stealthy traffic in furs at the American outposts. The sixth Earl of Selkirk came of age in 1830; it seems more than a coincidence that Donald Mackenzie, the shrewd and capable Governor of the Settlement at that time, should have supplemented Governor Simpson's account in 1829, by pastorals of unwonted enthusiasm—the corn 'rich and flourishing', 'the boundless prairie' with cattle like 'herds of Buffalo brousing', the groups of haymakers 'healthy and blooming', the 'community of sentiments', the 'stacks and laden carts straining the eye in countless succession', the 'ensemble of landscape perhaps nowhere to be equalled'. 'I beg to congratulate you and all my employers', he wrote to Colvile, 'on the prosperous state of the Colony.'[1]

Prosperity paved the way for the transfer of the settlement from the Selkirk family back to the Hudson's Bay Company. The shrewd officials in Rupert's Land could be relied upon to endorse the measure from the standpoint of the fur trade. In 1834, the sixth Earl of Selkirk acceded to the 'desire expressed by the Committee to have re-conveyed' the grant of Assiniboia for £15,000 of the Hudson's Bay stock.[2] The Council of Assiniboia, now controlled directly by the Company and under the presidency of the Governor of Rupert's Land, was convened in 1835. With singular appropriateness the signatures of Governor Simpson, John Pritchard, Cuthbert Grant, and many friends and enemies of the Selkirk régime, appear together in the minute books. The settlement entered upon a period of obscure and prosaic development under the Company. For nearly a generation the prevailing tone was one of general contentment and much primitive comfort, until Rupert's Land was transferred by purchase to Canada. The Red River district, after an inglorious insurrection in 1869, entered the Canadian Confederation in 1870 as the Province of Manitoba.

[1] August 1, 1829. *Selkirk Papers*, 8477.

[2] Minutes of Committee, Hudson's Bay Company, June 6, 1834, *Correspondence*, vol. viii, p. 1226. See Appendix E.

CHAPTER XII

SELKIRK'S AIMS AND INFLUENCE

IF Selkirk's work is to be estimated by the measure of immediate and visible success, none would venture to claim for him a very profound influence upon the material development of Canada. His colonizing enterprises in Prince Edward Island and in Upper Canada passed quietly and not without disappointment through the prosaic stages of all pioneer history. With respect to Baldoon especially, Selkirk despaired of the immediate development which he had been led to expect. 'The necessity of making an extensive drainage'[1] was only one of the contributing causes. Fever, with a score of fatalities, broke out among the settlers. Elaborate instructions and prodigal expense were so ill followed and ill directed as to occasion one of the few instances of pointed censure ever passed by Selkirk upon his agents. The 'benevolent and patriotic intentions of forming a Settlement in this Province', wrote Alexander McDonell,[2] 'have hitherto been attended with an expence more than commensurate with ten times the number of Acres prayed for'. In 1809 there were scarcely eighty inhabitants in the settlement.[3] Baldoon struggled on till the War of 1812, when it was pillaged by the Americans,[4] and Selkirk's agent was taken prisoner.[5] During the protracted litigation at Sandwich, Selkirk's own farm of 950 acres

[1] Memorial from Alexander McDonell, Land G, Upper Canada, March 5, 1806, Canadian Archives.

[2] Land G, Canadian Archives, p. 215. It is necessary to distinguish between Alex. McDonell, agent at Baldoon, Alex. Macdonell, the Northwester at Qu'Appelle, and Alex. Macdonell the sheriff under Semple and the 'Grasshopper Governor' of a later date. The first named was for a time Speaker of the Assembly of Upper Canada.

[3] *Selkirk Papers*, 14592.

[4] For an account of property destroyed by the Americans, see *Selkirk Papers*, 14601.

[5] At Fort George. *Selkirk Papers*, 14528.

at Baldoon was 'sold to a Mr. McNabb'.[1] A district of more than 30,500 acres in the Niagara peninsula near the mouth of the Grand River had been purchased through Alexander McDonell in 1807, to be called the township of Wedderburn in honour of Lady Selkirk. After a 'total loss of . . . about £3,000', it was eventually sold at auction to Smith to meet the judgement of the lawsuit in his favour.[2] By 1821 less than 3,000 acres remained to Selkirk's executors. All hope of colonization had been abandoned, and almost all trace of Selkirk's work was swallowed up in subsequent immigration.

In Prince Edward Island the immediate results were felt by Selkirk himself to be similarly disappointing; but there, at least, the ultimate results of his work are now seen to have been far-reaching and of exceptional merit in the unpleasant story of proprietary ownership of land in that island. Even in 1804 the clamour for the escheat of proprietary holdings—many of them held directly through original grants from Lord William Campbell in 1768–9—was a force to be considered. Selkirk's interests, however, had been secured exclusively through purchase by lease and release, from individual holders.[3] Of 114,000 acres it was estimated in 1842 that 62,000 had been disposed of to small holders by sale or lease of 99 or 999 years.[4] The fifth Earl of Selkirk was assured in

[1] *Selkirk Papers*, 6918. Baldoon farm was situated on the eastern side of the Chenal Ecarté, at the junction of Big Bear Creek in the township of Dover, and not far from River and Lake St. Clair. See map by Smith in *Selkirk Papers*, 14853.

[2] *Selkirk Papers*, 14424, 6917 et seq., 6981. The Letters Patent of this purchase (from Indian Reserves through Joseph Brant) are dated Nov. 18, 1807 (Can. Arch.). A district higher up the Grand River seems to have belonged to Selkirk as early as April, 1807. See *Selkirk Papers*, 14448, and map in *Selkirk Papers*, 20604.

[3] Selkirk's holdings comprised townships 10, 31, 57, 58, 60, 62, one-half of 12, one-third of 53, and one-third of 59, in the official survey map of Capt. Holland, 1775. Of these, townships 57, 58, 60, and 62 formed the south-eastern part of Queen's County and comprised the Belfast district—abandoned by the original French colonists—where Selkirk's first settlements were made in 1803. Lot 31 was in Hillsboro' Parish, Queen's County, near Charlottetown. Townships 53 and 59 were in King's County in the east, and townships 10 and 12 were in Prince's County in the west. For summaries of Selkirk's titles see *Selkirk Papers*, 19315 et seq.

[4] Colvile to Lord Stanley, *Selkirk Papers*, 20338.

1818 that his colonists formed 'by far the most independent Settlement in this Island';[1] but the affairs of the Red River Settlement had completely engrossed his attention. He was prepared to dispose of his 'property there on almost any terms'.[2]

This, it may be said, is the burden of the Selkirk correspondence throughout the agitation of the next generation, which swept away the landed proprietors and gave the land to the smaller holders. Selkirk's interests seem to have survived; largely because his name was dissociated from the unpopular proprietors, and undoubtedly also because the disposal of his property was difficult in an atmosphere of agitation and uncertainty. More than once the young Earl of Selkirk seems to have declined to identify himself with the other proprietors in petitions to the Colonial Office against the popular movement for small holdings.[3] At the height of the agitation Sir Charles FitzRoy, the Governor, hastened to assure Selkirk that his hostility to the proprietors 'does not apply to your Lordship's measures towards your Tenantry here. I am happy to say they are as thriving and contented as you could wish—and if your Lordship's example were followed . . . there would be a very speedy end to all discontent and excitement.'[4] The multitudinous detail of the fifth Earl of Selkirk's diaries and correspondence upon every aspect of settlement gave way very largely to the supervision of refractory agents; but the Selkirk tradition remained until the interests of the family in Prince Edward Island came to an end by sale to the Government in 1860.[5] Questioned upon the general attitude of Selkirk's tenantry during the agitation for a general escheat, the Presbyterian clergyman at Pinnette

[1] *Selkirk Papers*, 6458. [2] *Selkirk Papers*, 5274.

[3] See *Selkirk Papers*, 19180, 20311, &c., with regard to the Fisheries Reserves and the Road Compensation Bill of the P.E.I. Legislature: 'my property . . . is held under circumstances rather different from that of most of the other proprietors so that I think it will not be expedient for me to sign the memorial.' According to the estimate of Jan. 17, 1839, Selkirk was the second largest proprietor in Prince Edward Island, with 87,150 acres.

[4] Oct. 3, 1837, *Selkirk Papers*, 19079.

[5] For about £7,000. *Selkirk Papers*, 20366 et seq.

replied to the Governor's Secretary that the rents 'were by no means so heavy as those imposed in many other parts of the Island . . . I can safely say that many of them, especially of the old settlers, retained too lively a sense of gratitude and respect for the memory of the late Earl of Selkirk for the many acts of generous kindness which they received at his hands, to cherish any feelings which might be hurtful in the smallest degree' to the interests of his son.[1] The present position of Prince Edward Island among the provinces of the Canadian Confederation has been attained only after the obscure and thrifty growth of a century. Selkirk's work is thus prospective rather than immediately productive. His foresight was justified by the event, but the event was brought to pass by the unnoticed toil of the pioneer settler.

Selkirk's name in Canada, however, is inseparably connected with the West. The Red River Settlement, it has been seen, relapsed for half a century into an obscure frontier colony, at once thrifty, primitive, and self-reliant. Probably no part of the British self-governing dominions has had a stranger history: founded by an individual proprietor, twice destroyed by men of kindred race, overwhelmed during its early years by almost unparalleled disaster, developed for two decades under the protection of a private family, relapsing into the ownership of a monopolistic trading company which was accused by its enemies, justly or unjustly, of having 'locked the door upon the settlement and put the key in its pocket'; and finally, after an ignoble insurrection in 1869, taking its place as one of the most promising provinces of the Dominion. It was half a century after Selkirk's death before the British Government began to see promise in the West or the Canadian provinces were convinced of the necessity of extending the boundaries of the Dominion to the Pacific. Before the British public, therefore, Selkirk's name was not prominently identified with colonial expansion. The Red River Settlement never compared during Selkirk's lifetime with Pennsylvania, the prototype of Assiniboia in Selkirk's mind. It

[1] Rev. Mr. McLennan to Collins, *Selkirk Papers*, 19274 et seq.

seemed as though the tangible result of his work was a secluded settlement of a few hundred highlanders and Swiss in the heart of an unknown wilderness.

There is one sense, however, in which Selkirk's work has almost an imperial significance. Had colonization not been adopted by 'the Old Company' at the vitally critical period in the early part of the nineteenth century, there seemed no other promise that the north-western part of the continent would have been safeguarded for the British crown. The Colonial Secretary, it has been seen, considered the project of developing the West 'wild and unpromising'. There is something like tolerant contempt in Goulburn's reference to the 'Nature and distance of the Settlement', 'so remote from His Majesty's other possessions'; the paucity of numbers in the colony, 'which there is some reason to believe may be even yet less populous and in which the inhabitants themselves have frequently been exposed during the Winter to great danger of famine'.[1] Canadian opinion was even more intolerant. Dr. Strachan wrote of 'the miseries of the polar regions', the 'dreary wilderness' at Red River, the 'strongest probability that the first colonists will be massacred by the Indians'. Selkirk's promises were 'false or delusive'. His attempt to settle the West was 'one of the grossest impositions that ever was attempted on the British public'.[2] It would be unnecessary to repeat the current North-West references to Selkirk's 'visionary speculations', to the 'cursed Country', to the 'colonists enlisted or crimped in Scotland', 'the dupes of Land-jobbing Speculators . . . of whom Lord Selkirk . . . may be styled the Chief'; 'the restless and rapacious projects of a person whose fortune and influence, instead of being applied to the benefit and advantage of his country . . . have been wasted and misapplied in undertakings ruinous to himself, destructive to others, and disgraceful to his character and station.'[3] In 1817, Livius Sherwood, during the trial

[1] Goulburn to H. B. Co., Dec. 29, 1815, *Selkirk Papers*, 1840.
[2] *Letter to the Right Hon. Earl of Selkirk on His Settlement at the Red River, near Hudson's Bay.* London, 1816.
[3] *Selkirk Papers*, 8709; *Narrative of Occurrences*, London, 1816, &c.

of Brown and Boucher for the murder of Semple,[1] played skilfully upon the current Canadian opinion of this western 'wilderness'. 'Grain!' he exclaimed; 'what sort of grain ever was raised?' 'Do you mean to swear that they (wheat and barley) ripened?'[2] Before the Select Committee of the British House of Commons in 1857, Governor Simpson asserted with all gravity that there was no future in agriculture before the Canadian West.

Nothing could be more striking even in Selkirk's day than the contrast with opinion in the United States. Selkirk wrote enthusiastically of the extreme cordiality of American support to the Settlement; of 'facilities' for development by way of the Mississippi; of prospects that the settlement would 'turn out much beyond any view that I ever entertained of it'.[3] Here at least there was no difficulty in securing unequivocal opinion upon the 'right to the soil'. Coxe, one of the most prominent of American lawyers, was of opinion that Selkirk's grant resembled that made 'to some of the Colonies upon this continent by the British Crown', and as such conferred a 'proprietary interest in the soil'. It must be noted that Daniel Webster was found to 'entertain no doubt' of the 'vested proprietary interest in these lands';[4] that a large tract of Selkirk's grant was thrown within the American boundaries by the Treaty of Ghent,[5] and that Selkirk and his executors were compelled to negotiate for the disposal of their property to citizens of the United States.[6] It would perhaps be idle to surmise how far the story of Oregon would have been repeated—or anticipated—at Red River had the Indian trade been left in 'Salutary neglect' and had these 'rights of property' not been vindicated by Selkirk at a time

[1] York, Oct. 19, 1817.

[2] Amos's *Report of Trials*, p. 56. The output of grain from the Canadian West in 1915 is estimated at more than 500,000,000 bushels.

[3] Selkirk to Colvile, New York, Dec. 28, 1817, *Correspondence*, vol. iv, p. 638. Cf. Zebulon Pike: *Account of Expeditions to the Sources of the Mississippi*, Philadelphia, 1810.

[4] Quoted in Ross's *Red River Settlement*. London, 1856, p. 3.

[5] Selkirk to Macdonell, March 23, 1815, *Selkirk Papers*, 1498, &c.

[6] Cf. Halkett's memoranda in *Selkirk Papers*, 7860 et seq.: 'As to the validity of the Title the Lawyers entertained no doubt whatever.'

when the Hudson's Bay Company was in danger of bankruptcy. There can be little doubt, however, that the absence of Selkirk's influence would have left the North-West Company paramount to the Pacific, and would have left no interests of British colonization west of Lake Huron. The West would have remained what even the Hudson's Bay Company after the coalition was content to make it, the No-man's Land of civilized Canada, and a preserve for a mysterious and lucrative trade.

Meanwhile, American development up the Mississippi and westward to the Rockies, was perhaps the most phenomenal movement of the nineteenth century. The access to the Red River district by way of the Mississippi had been foreseen by Selkirk as early as 1817, and was used almost continuously by American traders from 1822.[1] In 1844 an influential party of American traders[2] visited the Red River Settlement itself, 'to spy out the land'. It required all the influence and adroitness of the Company's management to prolong even for five years the jealously guarded monopoly in furs. In 1857 it was stated that no fewer than 1,200 Red River carts plied between the Settlement and the American border.[3] Minnesota increased in population in a decade from less than ten to two hundred thousand; Iowa by more than a quarter of a million; Wisconsin by over 300,000; Illinois by nearly half a million. A memorial of the legislature of Minnesota, urging the annexation of the Red River district, passed at the Settlement for 'the highest tribute yet paid to this country'.[4] 'One thing is very apparent,' wrote a confidential American agent to the Secretary of the Treasury;[5] 'unless the English Government shall very promptly respond to the manifest destiny of the great interior of British America—the speedy Americanization of the fertile district is inevitable.' As late as 1869, Governor Mactavish, of the Hudson's Bay Company, wrote of annexation

[1] Simpson to Colvile, May 20, 1822, *Selkirk Papers*, 7587.
[2] *Red River Correspondence, Confidential*, 1845–6–7.
[3] *Report from Select Committee*, 1857, p. 388.
[4] *Nor'-Wester*, March 5, 1862.
[5] *Relations between the United States and North West British America*, 1862.

to the United States as unavoidable. 'I doubt not this will be its ultimate destiny.'[1] Throughout this movement the Red River Settlement formed the anchor of British rule in the West, the one vested interest which kept intact the territory north of the forty-ninth degree of latitude until the preservation of the West for the British Empire appeared among the avowed policies of the Canadian Confederation. Thus far at least Selkirk's work in Canada has a significance beyond the range of immediate success, and largely unaffected by its apparent material failure. It decided for generations to come, as the *Statement* had expressed it,[2] the 'question whether extensive and fertile regions in British North America are . . . to be inhabited by civilized society'. More than that, perhaps, it decided indirectly the question whether these regions should ever form part of a trans-continental and British Dominion. The Red River Settlement concentrated, at a critical period, the reluctant attention of the British Government and the sluggish political sense of the Canadian upon a district of which the possibilities were appreciated only by the enterprising and expanding neighbour to the south.

It may be said with a measure of truth that Selkirk in this respect builded better than he knew; but it would be less than just to overlook a certain gift of foresight, an aptitude for grasping discerningly the important point in almost every issue upon which he expressed an opinion. It may be noticed in passing that his attitude in British politics was one which commends itself to this generation, though it conformed neither to official policy nor to popular opinion in his own. On the question of Roman Catholic emancipation he remained at uncompromising variance with his friends in the Cabinet. On at least one other issue, his opinion was as advanced as it was afterwards found to be genuinely sound. 'The campaign in Portugal', wrote Lady Selkirk to her sister-in-law, 'Lord Selkirk reckons of more immediate importance to our existence

[1] Dec. 25, 1869, *Recent Disturbances in the Red River Settlement*, p. 201.
[2] *Statement respecting the Earl of Selkirk's Settlement in North America.* London, June, 1817.

as a nation than even the questions relating to Ireland.'[1] Similarly also, with regard to national defence and emigration, something remains to be said of Selkirk's work in his native country. In Canada, however, the touch of strategy which passed in Great Britain for little more than coincidence is seen to have resulted in designs of no small moment, as Selkirk himself avowed, 'in a national point of view'.[2] So obviously is the choice of districts for settlement influenced by geographical considerations of national strategy that Selkirk stands open to the charge of planting colonies with an eye to the map rather than to markets for colonial produce. The tentative suggestion of the Red River district in 1802 could scarcely have been founded upon a less fanciful basis than the accounts of Sir Alexander Mackenzie, whose *Voyages* is said to have held a similar attractiveness for Napoleon. The district of Sault Ste. Marie, at the junction of the three largest lakes in the St. Lawrence system, was abandoned only after careful investigation revealed the lack of agricultural promise. The third choice, Prince Edward Island, lay in the Gulf of St. Lawrence, the chief inland waterway on the Atlantic seaboard. Baldoon, the fourth choice, in the peninsula between Lake Huron and Lake Erie, corresponded to Sault Ste. Marie between Lake Superior and Lake Huron. The verdict of this century seems to be that the ultimate choice of the Red River district was perhaps the most momentous of all. In 1877 Lord Dufferin referred to the strategic importance of Manitoba as the 'keystone to that . . . arch of sister provinces which spans the continent'. Even at that date the Governor-General could discuss the growth of American influence with hopefulness, though not altogether without misgivings. The future importance of the province, like its past, can scarcely fail to be determined by its geographical situation. Its central position and its chief resources—the wealth of water-power, the fertility of soil, the maritime possibilities on Hudson Bay—give promise of uniting the interests of the factory, the prairie, and the sea, at a point where mediation

[1] *Letters*, p. 88. [2] *Selkirk Papers*, 2126.

between the more distinctive interests of East and West may be expected to be most effective. So much may fairly be urged, if present results can be said to justify the hopes of a century ago. The 'polar regions' now produce 500,000,000 bushels of grain. Manitoban wheat is graded by British millers the highest in North America. Selkirk's estimate in his *Sketch of the Fur Trade* would seem to be one of the most remarkable prophecies of the century: 'It is a very moderate calculation to say that if these regions were occupied by an industrious population, they might afford ample means of subsistence for thirty millions of British subjects.'

In Great Britain Selkirk's influence would be more difficult to estimate. Despite his cordial relationship with Wilberforce and Zachary Macaulay, his deep general interest in philanthropy was quite eclipsed by the uncompromising struggle in Canada. It is doubtful indeed, even had he spent his restless energy in Great Britain alone, whether he would ever have taken a prominent part in the extraordinary movement of the next decade. It would be difficult to imagine Selkirk as a benevolent 'friend of humanity', or Lady Selkirk presiding over 'missionary tea-fights'. There is present, nevertheless, a certain breadth of view, a certain liberality of thought, which is not always to be found among his contemporaries.[1] His advocacy of Roman Catholic emancipation meant more than mere toleration. In his projects of settlement the principle of religious liberty found its way into fearless practice. The first plan for colonization in 1802 was designed for Irish Roman Catholics, under the conviction that religious liberty and some deliberate 'plan of conciliation' after the Union would produce a 'radical cure such as Military coercion cannot effect'.[2] Settlement at Sault Ste. Marie was advocated in co-operation with the Bishop of Dromore and the Roman Catholic clergy of Sligo. He sought to reinforce the settlement at Baldoon with Roman Catholic Glengarry highlanders.

[1] Cf. Selkirk's *Letter addressed to John Cartwright on the Subject of Parliamentary Reform*, London, 1809.

[2] Selkirk's *Memorial* to Pelham, March 31, 1802. *Colonial Office Records*, Canadian Archives, Q. 293, p. 172.

The first Governor of the Red River Settlement was a Roman Catholic.[1] The first clergyman to reach the shores of Hudson Bay was the Rev. Charles Bourke, a Roman Catholic priest from Killala. When Macdonell urged upon Bishop Plessis of Quebec the urgent need of a mission among the freemen and Métis of Assiniboia, Selkirk pledged himself to 'co-operate to the utmost of my power in so good a work'.[2] The object may well have been more specific than a demonstration of broad-mindedness: there is evidence that Selkirk was 'fully persuaded of the infinite good which might be effected' by self-sacrifice and devotion in a region where 'the sense of religion is almost entirely lost'.[3] In any case his freedom from religious and social prejudice is altogether refreshing. His life in this respect may be said to represent a consistent liberal principle, logically and fearlessly pursued. There is reason to believe that his activities in Great Britain were, and would have remained had he lived, similarly generous and broad-minded. The tradition which survived in Prince Edward Island regarded Selkirk as 'amiable and philanthropic'.[4] 'Whatever may be thought of his undertakings in point of worldly prudence,' wrote Halkett to Sidmouth in 1816, 'his character for disinterested benevolence has been hitherto unimpeached and unimpeachable.'[5]

In the field which he made his own—'in a manner the object of his whole life'—his contribution was important and far-reaching. When the pamphlet on *Emigration* was written there was scarcely an indication that the idea had presented itself to the Ministry as a practical expedient for the remedy of social evils. Selkirk himself lived to see emigration adopted as a definite policy by the very Government which had dwarfed his own efforts by a half-hearted and scarcely tolerant support. In 1819, £50,000 was voted by the House

[1] There are indications that Miles Macdonell's trouble with the 'insurgents' in 1811–12 originated in religious disagreement. *Selkirk Papers*, 499.

[2] Quoted in the interesting *History of the Catholic Church in Western Canada* by the Rev. A. G. Morice, O.M.I., Toronto, 1910, vol. i, p. 90.

[3] Ibid.

[4] Stewart to Selkirk (the sixth Earl), Sept. 20, 1831, *Selkirk Papers*, 20311.

[5] *Selkirk Papers*, 6516.

of Commons, and in 1820, 5,000 Scottish emigrants were chosen from the striking number of 90,000 applicants for settlement in South Africa. The highland proprietors were 'now, when too late, as eager for the people emigrating as they were formerly to throw obstacles in their way'.[1] The social unrest at the close of the Napoleonic Wars was an obvious incentive to the movement; but the range of Selkirk's continuous correspondence on the subject had extended meanwhile to Hobart, to Auckland, to Pitt himself; to Sidmouth, to Lord Holland, to Vansittart, to Camden, to Melville, to Bathurst, and to Liverpool. There was probably no man in Great Britain during the preceding fifteen years who had devoted his energies so insistently by practice and by precept to the adoption of emigration as a doubly remedial imperial policy, to relieve the pressure of industrial change at home and to develop the colonies as British dominions under British influence.

Circumstances in themselves have done much to distort the contribution made by Selkirk both to practical imperial development and indirectly to imperial thought. The best of his ideas have been worked out by others under more auspicious circumstances. He was prevented by a stormy career from appealing convincingly to the British public as a practical colonizer. He has scarcely a place, it would seem, even in the literature of his chosen field. He lived in an age of 'much glory without, and utter darkness within', when to be a reformer or a theorist was to be out of touch with the influences which presided over the deepest social gloom of two centuries. Opponents could have devised no more opportune and effective criticism than to condemn as 'visionary and selfish' a project which threatened their methods in the interior. The years of calamity at the beginning, and of obscurity that followed, served to conceal even those advantages which, under normal conditions, the Red River district might have enjoyed in Selkirk's own day. Compared with many of the loyalist settlements in eastern

[1] *Selkirk Papers*, 6009.

Canada, Assiniboia was supplied by nature in unusual abundance with many of the necessities for human existence. In 1813, more than thirty-five tons of pemmican were prepared for the North-West and Hudson's Bay fur trade. The buffalo furnished for half a century a staple article of food at the Red River Settlement. For many years the fisheries of the titameg or whitefish afforded a supply of provisions second only to the proceeds of the buffalo hunt. No fewer than 14,000 whitefish were taken by the settlers upon the retreat to Jack River after the disaster of Seven Oaks in 1816.[1] The prolific harvests of the prairie were not subject to the task of forest-clearing which filled the early settlement of Nova Scotia or Ontario with unrecorded toil and privation. Had Selkirk been able to supervise in person the introduction of efficient agriculture at Red River, even the remoteness from commercial intercourse might have been counterbalanced by an unfailing and friendly market in the service of the Hudson's Bay fur trade.[2] Such were the plausible considerations upon which Selkirk founded hopes of prosperity. It was nearly a generation after his death before the primitive simplicity of life at Red River—the 'peace and plenty', the ingenuous hospitality, the 'undifferentiated comfort'—passed into the tradition which is still cherished by those who remember the Red River Settlement.

It would be a mistake, therefore, to rate Selkirk's work as theoretical, visionary, and irresponsible, rather than as an orderly attempt to achieve a practical end. Nothing is more noticeable than his extraordinary attention to practical detail in every enterprise he undertook. At the age of twenty-two he wrote with discrimination of Italian agriculture. His supervision of his estate in Kirkcudbrightshire was thrifty and remarkably successful. His voluminous letters and diaries are full of detail, almost cumbersome in its thoroughness: how sheep were to be transported and cared for; how mills and roads, bridges and fireplaces were built; how the highlander compared with the New Englander as a settler; how grain

[1] *Selkirk Papers*, 3228. [2] Cf. *Selkirk Papers*, 1038, &c.

was to be stored and prizes to be given for the best results. He urged, not without justification, upon the Colonial Office at the beginning, 'the attention I have paid to Agriculture for a considerable number of years and the particular Opportunities I have had of studying it as practised with singular success on a scale of uncommon extent'.[1] Almost the last letter dictated to Lady Selkirk before his death is full of minute instructions with regard to the experimental farm at the Settlement. It seems possible indeed to trace even the 'visionary undertakings' to a source in this dominant interest in the practical and the useful. His pamphlet on *Defence* arose from his own personal interest in the organization of the volunteers in Scotland. His first interest in emigration arose from the political problems of Ireland and the prospect of relieving the evils of tithe, race, and religion after the Union. From a modest practical enterprise came a far-reaching national design. He proposed emigration from Ireland on a generous impulse; he promoted emigration from Scotland as a work of practical utility and of engrossing promise. He was swept into conflict with the North-West Company as a protest against a blind and exclusive system. His work, begun in practical utility, has been almost forgotten; his scheme of expansion, dismissed at the time with opportune contempt, either as a shrewd 'speculation' based upon 'selfishness', or as the project of 'an enthusiast and a maniac', may now be said to form, after almost a century of scarcely tolerant neglect, a reasonable prophecy of Western Canadian development.

It was inevitable at the coalition that Selkirk's aims in the founding of the Red River Settlement should be left, while his memory lasted, without a vindication. Even a generation later, North-westers, now the staunchest Hudson's Bay men, 'shrewd old gentlemen interested in furs', spoke half-apologetically, half in self-justification, of the early 'libel upon the Hudson's Bay Company';[2] but the abuse of that day was

[1] Selkirk to Pelham, April 4, 1802, Canadian Archives, Q. 293, p. 170.
[2] *Correspondence*, p. 1266.

left to stain a generous career, and has not yet perhaps been removed from public opinion. The picture of 1816 was 'a British Peer turned a land speculator, at a moment when his country was in imminent danger, and instead of flying to her assistance and disdaining to survive her fall, anticipating that melancholy event, by anxiously preparing an asylum in a distant corner of the earth'.[1] North-westers called the project 'visionary'; Doctor Strachan suggested that it was 'one of the grossest' of 'impositions', 'marked with more than the precaution of an American land-jobber'.[2]

Without a doubt, Selkirk felt justified in advocating his scheme among his relatives as an ultimately remunerative investment. On no other grounds could he have carried with him the reluctant support of the Wedderburn-Colviles, Sir James Hall, and Sir James Montgomery. The promise of development by way of the Mississippi, for instance, was advocated as an inducement to Colvile's reluctant support in 1817.[3] Selkirk would have been the last to affirm, or even to admit, that his projects for proprietary colonization were economically unsound; but to seek Selkirk's dominant motive in the hope of ultimate personal gain would be not only to leave unexplained the rest of his life but to overlook the circumstances, already outlined, under which settlement in Hudson's Bay territory had actually come to pass. 'I never knew in my life', said Sir Walter Scott, 'a man of more generous and disinterested disposition.'[4] Colonization, moreover, had been adopted by the Hudson's Bay Company as soon as Selkirk's influence began to be felt and before the grant of Assiniboia was made to Selkirk in person. It was after the Superintendent at Hudson Bay had 'entirely neglected the instructions respecting the formation of a colony at Red River', and had written 'letters to his employers calculated to induce them to abandon any such intention', that Selkirk engaged to 'take upon himself the charge of forming the intended settlement on condition of the Company granting him a sufficient extent of land to afford an indemni-

[1] Strachan's *Letter*, p. 9.
[2] Ibid., p. 10.
[3] *Correspondence*, p. 638.
[4] Lockhart's *Life of Scott*.

fication for the expense'.[1] The magnitude of the actual 'indemnification' impresses the mind at the present day; but it is estimated that the settlements in America cost Selkirk or his family from 1815 to 1823 nearly £114,000.[2] The present valuation of a few blocks in the City of Winnipeg is higher than the price paid by Canada as late as 1870[3] for the whole of the Hudson's Bay territory.

Despite the ruinous expense and apart from nice calculations of financial loss and gain, the integrity of Selkirk's views upon colonization may be said to have remained from the first unwavering and unchanged, and to have taken priority over the interests both of the fur trade of the Company and even of his own private fortune. 'Till that can be fairly out of danger', he wrote of the Red River Settlement to his brother-in-law, 'expences must be incurred, which it is utterly impossible to avoid and to which it does not depend on me to put a limit.'[4] When Commissioner Coltman, as early as 1818, advocated compromise in order to put an end to the ruinous losses to the fur companies, Selkirk replied pointedly that he was under the impression that the chief sufferers to be considered were the unfortunate settlers, and that to compromise at such a stage was to compound felonies. 'Mr. Coltman must be too well informed', he continued, 'to suppose that Lord Selkirk has individually any concern in the Trade of Athabasca or any other branch of the Fur Trade.'[5] 'To hand over to them the sovereignty, as it may be called, of an extensive country,' he wrote to Colvile just before his final relapse, 'where we had the prospect of doing so much good, is a transaction to which I cannot easily reconcile myself, and I would reckon it immoral as well as disgraceful, if it were done from any views of pecuniary advantage. . . . With respect to giving up the settlement or selling it to the North-West, that is entirely out of the question.

[1] *Correspondence*, pp. 13–14. [2] Ibid., 1279, A.
[3] £300,000. [4] Selkirk to Wedderburn, *Selkirk Papers*, 5772.
[5] Selkirk's 'Observations on the Memorandum of Terms which it appears to Mr. Coltman might be agreed upon between the Earl of Selkirk and the North-West Company.' *Coltman Papers*, Canadian Archives, M. 778–C.

. . . I know of no consideration that would induce me to abandon it. I ground this resolution not only on the principle of supporting the settlers whom I have already sent to the place, but also because I consider my character at stake upon the success of the undertaking, and upon proving that it was neither a wild and visionary scheme nor a trick and a cloak to cover sordid plans of aggression, . . . charges which would be left in too ambiguous a state if I were to abandon the settlement at its present stage and above all if I were to sell it to its enemies.'[1]

The chief reasons for Selkirk's immediate failure are to be sought in the extraordinary events and unforeseen forces against which he found it necessary to contend. It must be admitted in addition, however, that his choice of men to advance his enterprise was not happy. 'I think that Miles McDonell', wrote Gale, 'is Lord Selkirk's evil genius.'[2] D'Orsonnens, Selkirk's choice of the 'de Meuron' officers, was scarcely more circumspect. 'In spite of my own vexation and gravity', wrote Gale again during Reinhard's trial, 'it was impossible to see and hear D'Orsonnens and keep my countenance.'[3] Even Semple and Colin Robertson can scarcely be acquitted of having contributed to the general disaster.[4] Much of Selkirk's indifferent success in dealing with men may perhaps be traced to the 'natural shyness and cold temper' of which he had written from Switzerland. It will be remembered that his father had detected as early as 1793, his 'want of knowledge of mankind'. 'I have known many lads of

[1] *Correspondence*, 966 a.

[2] *Selkirk Papers*, 4931. 'His stupidity arrogance and self-conceit render any attempts to give him advice useless. . . . I really shall be pleased if the time shall ever arrive when Lord Selkirk shall have got rid both of McDonell and Robertson.' Cf., however, Lieut.-Gov. Hunter's opinion of Macdonell in 1804: 'Expressed doubts of his ability, feared obstinacy and unaccommodating temper—acknowledged integrity—industry—said on whole perhaps no one with more good points.' Selkirk's Diary, *Selkirk Papers*, 19940. For Selkirk's defence of Macdonell see *Selkirk Papers*, 647, 1302, &c.

[3] *Selkirk Papers*, 4934.

[4] Cf. Lady Selkirk to Halkett, Nov. 2, 1817. 'Robertson will never do as second to anybody, unless they have the patience of Job, and were as much above him as I am over the children.' *Letters*, p. 209. Cf. Simpson to Colvile, Sept. 8, 1821, *Selkirk Papers*, 7397.

sixteen, who, as the vulgar saying is, could have bought and sold you in a market.'[1] There is evidence that this conscious shyness and lack of assertive shrewdness remained a besetting fault; and it was doubly operative because his consciousness of it impelled him to overcome it, while his efforts to overcome it lured him in turn to extremes which a man of more even and instinctive shrewdness would have avoided. Thus Lady Selkirk, no mean judge of character, wrote to Halkett of Selkirk's letters *en route* to the Red River Settlement: 'they were so very sanguine, every difficulty seemed to vanish before him. . . . There was so little mark of caution or prudence.'[2] 'He is far too unsuspicious, and with the worst opinion possible of them in the lump these wretches deceived him in detail.'[3] At times, on the other hand, a determination to exact the uttermost farthing 'o'erleaps itself and falls on the other'. After the 'great mistake'—'after the evil was done'—Lady Selkirk described loyally her husband's self-control under vexation and annoyance during the summer of 1817. 'The whole mischief', she wrote, 'was done in the course of the first six weeks at Fort William.'[4]

At the same time there was a degree of cool determination in the pursuit of large issues which remained while Selkirk lived one of his chief characteristics. There may perhaps be distinguished a type of mind that derives a secret fortitude rather from reflection and retirement than from the exercise or open play of direct influence. The loyalty and co-operation between Selkirk and his wife is perhaps the most pleasant thing in the course of the long conflict for Assiniboia; but even Lady Selkirk in 1812 was 'conscious of . . . inability to alter in any degree the direction of his mind . . . far less the course of events'.[5] In 1818, in the midst of her husband's feverish anxiety and broken health, there was a discernment

[1] July 14, 1793, *Correspondence of Dunbar, Earl of Selkirk, and his Sons*, p. 37.
[2] February 19, 1817. *Letters*, p. 185.
[3] Lady Selkirk to Halkett, Oct. 25, 1817, *Letters*, 205–6.
[4] *Letters*, p. 196.
[5] Lady Selkirk to Lady Katherine Douglas, March 25, 1812, *Letters*, p. 88.

of what this hidden fire meant to the cause of the Red River Settlement. 'Were his strength of mind and body now to fail, where are we?'[1] 'No temper but his own could have stood the repeated fire.'[2] Where this intimacy was lacking, especially, Selkirk seems to have appeared cold and distant. A certain reserve and lack of indiscriminate frankness is apparent even with his own friends. Gale suggested more than once that he could defend his client better if he knew more.[3] 'The Earl of Selkirk', wrote John Beverley Robinson in his official report, 'is not usually communicative of his measures or intentions.'[4] It may be urged in Selkirk's defence that no man ever had a more perplexing variety of friends and enemies than Colvile, Sherbrooke, Gale, Macdonell, Colin Robertson, D'Orsonnens, Rideout, and Woods on the one side, and William McGillivray, Goulburn, Doctor Strachan, Duncan Cameron, Edward Ellice, Simon McGillivray, and Daniel McKenzie on the other. There is little ground for surprise if he decided to keep his own counsels. Lady Selkirk alone probably could be reckoned an unflinching ally. 'For my own part,' wrote Selkirk to Wilberforce, 'I have perhaps undertaken a task of too great magnitude for an individual in embarking in these affairs.'[5] One looks almost in vain among the partisans on either side for a man who fully shared or adequately understood the object of Selkirk's sacrifice. Perhaps no nearer approach to this assured faith is to be found than in Semple's account of the disasters at the Red River Settlement:

> 'Per tantos casus, per tot discrimina rerum
> Tendimus in Latium.

Such I doubt not is your Lordship's motto in this pursuit.'[6]

Selkirk's work is thus illumined by few dramatic incidents such as appeal to the imagination. It became a continuous struggle against circumstances, ill health, hidden influence, and volumes of abuse such as few men even of Selkirk's day were called upon to encounter. It was seen at last that he had been contending from the first against overwhelming

[1] *Letters*, p. 232. See p. 158, &c. [2] Ibid., p. 205.
[3] *Correspondence*, vol. iv, p. 618. [4] Canadian Archives, Q. 329, p. 15.
[5] *Selkirk Papers*, 6342. [6] Dec. 10, 1815, *Selkirk Papers* 18615.

odds. He was misunderstood by many who were disinclined to believe that a man could have other than selfish aims. He was opposed by men whose private interests demanded his destruction, and whose inquiry into motives could scarcely be expected to be conscientiously scrupulous. The coincidence of vengeance for the death of his colonists and a determination to break 'the iron age of oppression' of the North-West Company, alienated many from a discerning plan of expansion in the West which has meant not a little for the preservation of British influence. He encountered the hostility of vested interests in Canada, the hatred of opponents in years of protracted litigation, the condemnation of faint praise from Commissioners whose verdict had been almost dictated from the Colonial Office. It was a discouraging up-hill fight, and he was beaten in the end. It was generally conceded by those who knew him best in Great Britain that a brilliant mind had been wasted in a barren conflict for a lost cause. Even the lingering death was embittered by the impending success of his opponents. His name and his work were then swept aside to hasten the decent burial of unsavoury political and judicial blunders. After the coalition took place, Selkirk's name was dropped by tacit consent, or was spoken with bated breath in the Council Chamber where his influence had been paramount. His reputation was left without a vindication in the interests of a not very creditable political expediency. So much perhaps may be said without sacrificing history to hagiology; and if settlement at Red River, despite early disasters and seeming failure, survived to serve at last a far-reaching national purpose, Selkirk's work may well be associated with the patient toil of the early settlers, whose unrecorded fortitude passed silently out of history into the web of a nation's progress.

APPENDIX A

THE HUDSON'S BAY CHARTER,[1] 1670.

THE ROYAL CHARTER for incorporating the HUDSON'S BAY COMPANY, granted by his Majesty King CHARLES the Second, in the 22d year of his reign, A.D. 1670.

Preamble. CHARLES THE SECOND, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c., TO ALL to whom these presents shall come, greeting: WHEREAS our dear and entirely beloved Cousin, Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cumberland, &c.; Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, and Sir Robert Vyner, Knights and Baronets; Sir Peter Colleton, Baronet; Sir Edward Hungerford, Knight of the Bath; Sir Paul Neele, Knight; Sir John Griffith and Sir Philip Carteret, Knights; James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn, Esquires; and John Portman, Citizen and Goldsmith of London; have, at their own great cost and charges, undertaken an expedition for Hudson's Bay, in the north-west part of America, for the discovery of a new passage into the South Sea, and for the finding some trade for furs, minerals and other considerable commodities, and by such their undertaking have already made such discoveries as do encourage them to proceed further in pursuance of their said design, by means whereof there may probably arise very great advantage to us and our kingdom: AND WHEREAS the said Undertakers, for their further encouragement in the said design, have humbly besought us to incorporate them, and grant unto them and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands, countries and territories upon the coasts and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian Prince or State: NOW KNOW YE, that we, being desirous to promote all

Grant of incorporation.

[1] *Report from the Select Committee on the Hudson's Bay Company*, 1857, p. 408.

endeavours tending to the public good of our people, and to encourage the said undertaking, HAVE, of our especial grace, certain knowledge and mere motion, given, granted, ratified and confirmed, and by these presents, for us, our heirs and successors, DO give, grant, ratify and confirm, unto our said Cousin, Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, Sir Edward Hungerford, Sir Paul Neele, Sir John Griffith and Sir Philip Carteret, James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn and John Portman, that they, and such others as shall be admitted into the said society as is hereafter expressed, shall be one body corporate and politic, in deed and in name, by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay', and them by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay', one body corporate and politic, in deed and in name, really and fully for ever, for us, our heirs and successors, WE DO make, ordain, constitute, establish, confirm and declare by these presents, and that by the same name of Governor and Company of Adventurers of England trading into Hudson's Bay, they shall have perpetual succession, and that they and their successors, by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay', be, and at all times hereafter shall be, personable and capable in law to have, purchase, receive, possess, enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises and hereditaments, of what kind, nature or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments, and to do and execute all and singular other things by the same name that to them shall or may appertain to do; and that they and their successors, by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay', may plead and be impleaded, answer and be answered, defend and be defended, in whatsoever courts and places, before whatsoever judges and justices, and other persons and officers, in all and singular actions, pleas, suits, quarrels, causes and demands whatsoever, of whatsoever kind, nature or sort, in such manner and form as any other our liege people of this our realm of England, being persons able and capable in law, may or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, do, permit and execute; and that the said Governor and Company of

Names of original grantees.

Body corporate to be styled 'The Governor and Company of Adventurers of England trading into Hudson's Bay'.

Rights and privileges, &c., of the Governor and Company.

Grant of a common seal.

Adventurers of England trading into Hudson's Bay, and their successors, may have a common seal to serve for all the causes and businesses of them and their successors, and that it shall and may be lawful to the said Governor and Company, and their successors, the same seal, from time to time, at their will and pleasure, to break, change, and to make anew or alter, as to them shall seem expedient: . . . . AND FURTHER, WE DO by these presents, for us, our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises, SAVING ALWAYS the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, TO HAVE, HOLD, possess and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them the said Governor and Company, and their successors for ever, TO BE HOLDEN of us, our heirs and successors, as of our manor of East Greenwich, in our county of Kent, in free and common soccage, and not in capite or by Knight's service; YIELDING AND PAYING yearly to us, our heirs and successors, for the same, two elks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, to assemble themselves, for or about any the matters, causes, affairs or businesses of the said trade, in any place or places for the same convenient, within our dominions or elsewhere, and there to hold court for the said Company, and the affairs thereof; and that, also, it shall and may be lawful to and for them, and the greater part of them, being so assembled, and that shall then and there be present, in any such place or places, whereof the Governor or his Deputy for the time being to be one, to make, ordain and constitute such and so many reasonable laws, constitutions, orders and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be

The territory to be reckoned one of his Majesty's Plantations or Colonies in America, and called Rupert's Land; and the Governor and Company to be the Lords Proprietors of the same for ever.

Governor and Company may assemble and make laws, ordinances, &c. for the good government of their territory and the advancement of their trade;

employed in any of the territories and lands aforesaid, and in any of their voyages; and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders and ordinances so made, to put in, use and execute accordingly, and at their pleasure to revoke and alter the same or any of them, as the occasion shall require: And that the said Governor and Company, so often as they shall make, ordain or establish any such laws, constitutions, orders and ordinances, in such form as aforesaid, shall and may lawfully impose, ordain, limit and provide such pains, penalties and punishments upon all offenders, contrary to such laws, constitutions, orders and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them, then and there being present, the said Governor or his Deputy being always one, shall seem necessary, requisite or convenient for the observation of the same laws, constitutions, orders and ordinances; and the same fines and amerciaments shall and may, by their officers and servants from time to time to be appointed for that purpose, levy, take and have, to the use of the said Governor and Company, and their successors, without the impediment of us, our heirs or successors, or of any the officers or ministers of us, our heirs or successors, and without any account therefore to us, our heirs or successors, to be made: All and singular which laws, constitutions, orders and ordinances, so as aforesaid to be made, WE WILL to be duly observed and kept under the pains and penalties therein to be contained; so always as the said laws, constitutions, orders and ordinances, fines and amerciaments, be reasonable, and not contrary or repugnant, but as near as may be agreeable to the laws, statutes or customs of this our realm: . . . . AND FURTHER, of our especial grace, certain knowledge and mere motion, WE DO, for us, our heirs and successors, grant to and with the said Governor and Company of Adventurers of England trading into Hudson's Bay, that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any the ports or places afore limited, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns; SAVING the faith and allegiance due to be performed to us, our heirs and successors as aforesaid; and that the said Governor and Company shall have liberty, full power and authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his

and may impose penalties and punishments, provided the same are reasonable, and not repugnant to the laws of England.

All lands, &c. aforesaid to be under the government of said Company, who may appoint Governors and other officers to preside within their territories, and judge in all causes, civil and criminal,

according to the laws of England;

Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; and

or criminals may be sent to England for trial.

in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade within the limits aforesaid, where judicature cannot be executed for want of a Governor and Council there, then in such case it shall and may be lawful for the chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory or fort where there shall be a Governor and Council, where justice may be executed, or into this kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GIVE and grant unto the said Governor and Company, and

The Governor and Company may employ, for the protection of their trade and territory, armed force, appoint commanders, erect forts, &c.

their successors, free liberty and license, in case they conceive it necessary, to send either ships of war, men or ammunition, unto any their plantations, forts, factories or places of trade aforesaid, for the security and defence of the same, and to choose commanders and officers over them, and to give them power and authority, by commission under their common seal, or otherwise, to continue or make peace or war with any prince or people whatsoever, that are not Christians, in any places where the said Company shall have any plantations, forts or factories, or adjacent thereunto, as shall be most for the advantage and benefit of the said Governor and Company, and of their trade; and also to right and recompense themselves upon the goods, estates or people of those parts, by whom the said Governor and Company shall sustain any injury, loss or damage, or upon any other people whatsoever, that shall any way, contrary to the intent of these presents, interrupt, wrong or injure them in their said trade, within the said places, territories and limits granted by this Charter: And that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, and at all times from henceforth, to erect and build such castles, fortifications, forts, garrisons, colonies or plantations, towns or villages, in any parts or places within the limits and bounds granted before in these presents unto the said Governor and Company, as they in their discretion shall think fit and requisite, and for the

supply of such as shall be needful and convenient, to keep and be in the same, to send out of this kingdom, to the said castles, forts, fortifications, garrisons, colonies, plantations, towns or villages, all kinds of clothing, provision of victuals, ammunition and implements necessary for such purpose, paying the duties and customs for the same, as also to transport and carry over such number of men, being willing thereunto, or not prohibited, as they shall think fit, and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best, and to inflict punishment for misdemeanors, or impose such fines upon them for breach of their orders, as in these presents are formerly expressed: . . . . AND WE DO hereby straightly charge and command all and singular our Admirals, Vice-Admirals, Justices, Mayors, Sheriffs, Constables, Bailiffs, and all and singular other our officers, ministers, liege men and subjects whatsoever, to be aiding, favouring, helping and assisting to the said Governor and Company, and to their successors, and to their deputies, officers, factors, servants, assigns and ministers, and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, when any of you shall thereunto be required; ANY STATUTE, act, ordinance, proviso, proclamation or restraint heretofore had, made, set forth, ordained or provided, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding. IN WITNESS WHEREOF we have caused these our Letters to be made Patent. WITNESS OURSELF at Westminster, the second day of May, in the two-and-twentieth year of our reign.

All Admirals and others his Majesty's officers and subjects, to be aiding and assisting in the execution of the powers, &c. granted by this Charter.

By Writ of Privy Seal.

PIGOTT.

APPENDIX B

GRANT OF ASSINIBOIA TO LORD SELKIRK, BY THE HUDSON'S BAY COMPANY, JUNE 12, 1811.[1]

THIS INDENTURE made the twelfth day of June in the fifty first year of the Reign of our Sovereign Lord George the third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith And in the year of our Lord one thousand eight hundred and eleven

[1] From the certified notarial copy deposited with Secretary of State Adams, Washington, in 1822, by John Halkett, Selkirk's brother-in-law and one of his executors. A photographic copy was obtained through

Between The Governor and Company of Adventurers of England trading into Hudson's Bay of the one part and The Right Honorable Thomas Earl of Selkirk of the other part Whereas the said Governor and Company are seised to them and their Successors in fee Simple as absolute Lords and Proprietors of all the Lands and Territories situate upon the Coasts and Confines of the Seas Streights Bays Lakes Rivers Creeks and Sounds within the entrance of the Streights commonly called Hudson's Streights in the North West parts of America and which Lands and Territories are reputed as one of the Plantations or Colonies belonging or annexed to the United Kingdom of Great Britain and Ireland and are called Ruperts Land And whereas the said Governor and Company have for divers good and valuable causes and considerations them thereunto moving agreed to convey and assure a certain Tract or parcel of the said Lands and Territories hereinafter described unto and to the use of the said Earl of Selkirk his Heirs and Assigns under and subject to certain conditions hereinafter expressed and contained Now therefore this Indenture witnesseth that in pursuance of such Agreement and in consideration of the sum of ten shillings of lawful money of Great Britain to the said Governor and Company well and truly paid by the said Earl of Selkirk at or before the execution of these presents (the receipt whereof is hereby acknowledged) and for divers good and other valuable causes and considerations them the said Governor and Company hereunto moving The said Governor and Company[1] Have given granted aliened enfeoffed and confirmed And by these presents Do give grant alien enfeoff and confirm unto the said Earl of Selkirk his Heirs and Assigns All that Tract of Land or Territory being within and formerly[2] part of the aforesaid Lands and Territories of the said Governor and Company bounded by an imaginary line running as follows

the prompt courtesy of the British Chargé d'Affaires at Washington and of the Department of State.

No official copy, it seems, was ever published (see *Report from Select Committee*, 1857, p. 323). Between other copies—in *Colony Register A* (a copy from the old land register, now lost, of the Red River Settlement), in *Transactions* of the Man. Hist. and Scientific Soc., 1889 (James Taylor), in Martin's *Hudson's Bay Land Tenures*, followed by Professor Oliver in *The Canadian North-West*, published by the Canadian Archives, 1914—there are discrepancies too numerous to annotate. There are more than 975 variations between the first mentioned and the last two, and many hundreds between the Washington copy and *Colony Register A*. Only a few of these can here be noticed.

[1] 'hereunto . . . Company' omitted in *The Canadian North-West*.

[2] 'forming' in *Colony Register A*.

that is to say beginning on the western shore of the Lake Winipic[1] otherwise Winnipeg at a point in fifty two degrees and thirty Minutes north latitude and thence running due West to the Lake Winipigoos otherwise called Little Winnipeg then in a Southerly direction through the said Lake so as to strike its western shore in latitude fifty two Degrees then due west to the place where the parallel of fifty two degrees North Latitude intersects the western branch of Red River otherwise called Assiniboyne River then due South from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Missouri and Mississipi then in an Easterly direction along the said height of land to the source of the River Winipic or Winnipeg (meaning by such last mentioned River the principal branch of the waters which unite in Lake Saginagas) thence along the main stream of these waters and the middle of the several Lakes through which they flow to the mouth of the Winipic River and thence in a Northerly direction through the middle of Lake Winipic to the place of beginning as the said Tract or parcel of Land hereby granted or intended so to be is more particularly described and distinguished and the boundary thereof marked out in the Map or plan annexed to these presents in which plan the Lands hereby intended to be granted are coloured red Together with all mines minerals and metals and delfs and quarries of stone and lime already discovered or hereafter to be discovered within the limits of the land hereby granted and enfeoffed or otherwise assured or expressed and intended so to be And also all and singular houses edifices buildings forests woods springs woodlands and underwoods and the ground and Soil thereof respectively trees timber and timberlike trees quays wharfs landings and landing places lakes ponds rivers pools dams and streams of water fishings and fishing places and rights of fishery moats moors marshes wastes waste grounds commons common of pasture and common of turbary furzes heaths mounds hedges fences ditches roads fens fen grounds[2] ways paths passages easements waters watercourses and all and singular other the rights franchises liberties customs profits commodities emoluments benefits advantages members hereditaments and appurtenances whatsoever to all and singular the said Land and premises hereby granted and enfeoffed or otherwise assured or expressed or intended so to be or any

[1] 'Winnipie,' in *Colony Register A* and *The Canadian North-West*.

[2] Sic *Colony Register A*. Perhaps 'feus, feu grounds' as in *The Canadian North-West*, p. 156.

part or parcel thereof belonging or in any wise appertaining or to or with the same held used possessed or enjoyed or accepted reputed adjudged esteemed deemed taken or known as part parcel or member thereof or of any part thereof or as appurtenant thereunto And the Reversion and Reversions remainder and remainders yearly and other profits of the said Land hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be or any part or parcel thereof And all the Estate right title interest use trust inheritance property possession benefit claim and demand whatsoever at Law and in Equity or otherwise howsoever of them the said Governor and Company of in to or out of the lands hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same saving and reserving nevertheless to the said Governor and Company and their Successors all rights of Jurisdiction whatsoever granted to the said Company by their Charter To have and to hold the Land and Hereditaments and all and singular other the premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same unto the said Earl of Selkirk his Heirs and assigns for ever as to for and concerning such an extent or quantity or such separate extents or quantities of the Tract or Territory of Land hereby granted and enfeoffed as shall in the whole amount be equal to one tenth part of the said Tract or Territory And which one tenth shall be set out by the said Earl of Selkirk his Heirs or assigns before or within the space of three years after the said Governor and Company or their Successors shall by some writing under the hand of the Governor of the said Company for the time being require the said Earl of Selkirk his Heirs or assigns to make such division or setting out To the use of such person or persons being or having been in the service or employ of the said Governor and Company for a term not less than three years immediately preceding the date and execution of any direction or appointment to be made by the said Governor and Company and their successors under this present power in such parts shares and proportions and for such Estates and interests of[1] the said Governor and Company and their successors shall from time to time by any writing to be sealed with the Common Seal of the said Company direct or appoint Nevertheless so that no Person taking under any such direction or appointment and being under the rank or degree of

[1] Perhaps a mistake for 'as'

Master of a Trading Post shall be or become entitled to any greater part share or proportion than two hundred acres nor any person of the rank or degree of Master of a Trading Post any greater part share or proportion than one thousand acres And also so that every use estate or interest which shall be created under or by virtue of any direction or appointment to be made by the said Governor and Company and their Successors in pursuance of the aforesaid power be made and rendered subject to a condition to be void if the person or persons or his her or their assigns shall not be or become a Settler or Settlers upon the Land thereby directed or appointed or if he she or they or his her or their assigns shall neglect or fail to cultivate and continue the cultivation of the same Land and in the mean time and until such direction or appointment shall be made and so far as any such direction or appointment shall not extend To the use of the said Earl of Selkirk his Heirs and assigns for ever and to and for no other use intent or purpose whatsoever And as to all the remaining part or parts or portion or portions of the said Tract or Territory To the use of the said Earl of Selkirk his Heirs and assigns for ever Nevertheless upon under and subject to the conditions hereinafter mentioned expressed and declared of and concerning the same And to the Intent that these presents may be rendered a complete and effectual assurance The said Governor and Company Have made ordained constituted and appointed And by this present Deed or Instrument under their Common Seal Do make ordain constitute and appoint William Auld Thomas Thomas William Sinclair William Hillier James Swain Thomas Swain[1] Donald Sutherland Hugh Heney John Stitt John M^cKay and Archibald Mason all Servants of the said Governor and Company jointly and each and every of them separately their true and lawful attornies and attorney for them the said Governor and Company and in their name place and stead to enter into and upon the Land Hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be or into and upon any part or parcel of the same in the name of the whole wholly and quiet and peaceable possession and seisin of the said Land Hereditaments and premises and of every or any part thereof in the name of the whole for and in the name of the said Governor and Company to have and take and after such entry made and possession and seisin so had and taken as aforesaid to deliver quiet and peaceable possession and seizin thereof and

[1] Omitted in *The Canadian North-West*, p. 158.

of every part thereof unto Miles M°Donell [1] Esquire [2] Kelly Clerk, Abel Edwards Surgeon, Kenneth M°Rae and William Tomison Gentlemen whom the said Earl of Selkirk hath made ordained constituted and appointed And by these presents Doth make ordain constitute and appoint jointly and separately his true and lawful attornies and attorney for and in his name place and stead to take and receive the same to be had and held according to the tenor form and effect of these presents And the said Governor and Company and the said Earl of Selkirk do hereby respectively ratify confirm and allow to be sufficiently available all and whatsoever their said attornies respectively shall lawfully do in the premises by virtue of these presents Provided always and it is hereby agreed and declared between and by the parties hereto and these presents are upon this express Condition That if the said Thomas Earl of Selkirk his Heirs or assigns shall not within the space of ten years to be computed from the date of these presents settle or establish upon the Tract of Ground hereby expressed to be granted one thousand Families each of them consisting of one married Couple at the least according to the true intent and meaning of these presents And if the said Governor and Company shall by notice in writing to be given to the said Thomas Earl of Selkirk his Heirs or assigns or left at his or their dwelling or usual place of abode require him or them to establish and settle such a number of families on the premises as will make up one thousand families on the same and the said Thomas Earl of Selkirk his Heirs or assigns shall during the space of three years next after such notice shall be given or left as aforesaid neglect to settle or make up the said number of Families Then and in that case it shall be lawful for the said Governor and Company by Deed under their Common Seal to revoke the Grant hereinbefore expressed and contained and to enter upon the premises hereby granted as of his or their former Estate but subject and without prejudice to such Grant as shall have been previously made by the said Earl his heirs or assigns to or in favour of any person or persons so as upon the Land comprised in any such grant there be actual Settlers to the amount of one Family for every five thousand acres And also upon this further express Condition that the said Earl of Selkirk his Heirs or assigns or any other person or persons deriving Title by from through or under him them or any

[1] 'M°Donald' in *The Canadian North-West*, p. 158.

[2] This space left in the original copy, probably for the Christian name omitted.

of them shall not nor will at any time or times hereafter in or by any direct or indirect mediate or immediate manner ways or means infringe or violate or set about or attempt to infringe or violate or aid assist or abet or set about or attempt to aid assist or abet or supply with Spirituous Liquors Trading Goods provisions or other necessaries any person or persons whomsoever Corporate or Incorporate or any Prince Power Potentate or State whatsoever who shall infringe or violate or who shall set about or attempt to infringe or violate the exclusive rights powers privileges and immunities of Commerce Trade and Traffic or all or any other of the exclusive rights powers privileges and immunities of or belonging or in any wise appertaining to or held used or enjoyed by the said Governor and Company and their Successors and particularly such rights powers privileges and immunities as they are entitled to under or by virtue of or which were given and granted or intended to be given and granted to them and their Successors by the Charter of his late Majesty King Charles the second bearing date on or about the second day of May in the year one thousand six hundred and sixty nine save and except such rights powers privileges immunities and franchises as are incident to the Land Hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be or any part or parcel of the same and which are hereby intended to pass by and with the same)[1] without the licence or consent in writing of the Governor of the said Company and their Successors for the time being for that purpose first had and obtained And also that he the said Earl of Selkirk his heirs or assigns or any person deriving Title by from thro' or under him them or any of them shall not in any manner without such licence or consent as aforesaid carry on or establish or attempt to carry on or establish in any Ports[2] of North America any trade or traffic in or relating to any kind of Furs or Peltry or in any manner directly or indirectly aid or abet any person or persons in carrying on such trade or traffic or in any manner otherwise than as hereinafter mentioned navigate or traffic or assist in navigating or trafficing upon or within any of the Seas or waters within Hudson's Streights aforesaid or unlawfully enter into or trespass upon any part of the Land or Territories belonging to the said Governor and Company and their Successors in or at Ruperts Land aforesaid not hereby granted and enfeoffed

[1] Other bracket omitted.

[2] Sic also *Colony Register A*; 'posts' in *The Canadian North-West.*

or otherwise assured or expressed and intended so to be Nevertheless it is agreed that no act of entry shall be deemed construed or taken to be an act of Trespass within the meaning of this Condition unless committed after some special Notice or prohibition in writing shall be or have been given by the said Governor and Company or their Successors or some person or persons duly authorized by them unto the person or persons who from time to time shall be or be alledged to be guilty of such Trespass Provided also and it is hereby further declared and agreed by and between the Parties hereto and these presents are upon this further Condition that it shall and may be lawful to and for the said Governor and Company and their successors at any time or times except in respect to such of the Land hereby granted and feoffed or otherwise assured or expressed and intended so to be as shall have been put by the said Earl his Heirs or assigns into a state of actual cultivation or settlement to form or make within the said tract of Land hereby granted any post or place posts or places of establishment or communication for traffic trade or commerce with the Native Indians and for such purpose to and for the said Governor and Company and their Successors to use occupy and enjoy[1] such post or place posts or places and in like manner to use occupy and enjoy All and every post and place or posts and places already formed or made with free liberty of ingress egress and regress to and for the said Governor and Company and their Successors and their servants or agents with or without Horses Carts Carriages Boats vessels and other usual or customary Vehicles of Conveyance to go to and from the said Posts and places in over or upon all and every or any of the Roads ways rivers and Canals which now do or which shall or may from time to time lead to or from the said posts or places doing as little damage as may be to the other part of the Land[2] hereby granted and enfeoffed and allowing reasonable compensation for the damage which shall be so done Provided also and it is hereby further declared and agreed between and by the parties to these presents that the several Conditions hereinbefore contained shall not be construed and taken to be entire conditions so that a dispensation or waver of any part branch or member either pro-tempore or otherwise shall operate as a waver or dispensation of every part of such Condition It being the true intent and meaning of the said parties to these presents that the same Conditions

[1] 'employ' in *Colony Register A.*
[2] 'Line' in *Colony Register A.*

may be dispensed with in part either pro-tempore or otherwise and yet continue in force and being as to every other part branch or member thereof not within the express letter of such dispensation any rule of Law to the contrary in any wise notwithstanding And it is also declared and agreed between and by the parties to these presents and the said Governor and Company for themselves and their Successors hereby grant that in case the said Earl of Selkirk his Heirs or assigns shall alien or otherwise dispose of the Land Hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be in separate parcels or divisions such division or parcel shall so far as concerns any Condition herein contained be and shall be deemed construed and taken to be held distinct separate and apart from the other or others of the said divisions or parcels and the estate and interest of the owner and Proprietor Owners and Proprietors of any one or more division or parcel divisions or parcels shall not be or be liable to be defeated or destroyed by any act of forfeiture or breach of Condition which shall be made done or committed by the owner or proprietor Owners or proprietors of any other Division or parcel Divisions or parcels but shall and may notwithstanding such act of forfeiture or breach of Condition continue and be in full force and effect in like manner as though the several conditions herein contained had been annexed to the Estate and interest of such last mentioned owner Proprietor or Proprietors only and not to the estate or interest of any other Owner or Proprietor Owners or Proprietors Provided also and it is hereby further declared and agreed between and by the parties to these presents that in all and every or any case of forfeiture or breach of the Conditions herein contained the said Governor and Company and their Successors shall take advantage and avail themselves of the same by entry within five years from the day or time on or upon which any act of forfeiture or breach of condition shall be or have been made done or committed or be for ever barred and foreclosed from taking advantage of the same it being intended and hereby agreed that such omission on the part of the said Governor and Company and their successors whether arising from want of knowledge or from any other cause shall be construed to be and shall operate as a dispensation or waver of such forfeiture Provided also and it is hereby further agreed and declared between and by the parties to these presents and the said Governor and Company do hereby for themselves and their Successors give and Grant unto the said Earl of Selkirk his

Heirs and assigns and all and every the person and persons whomsoever claiming or deriving title by from through or under him them or any of them as Lessee or Lessees or otherwise free liberty and licence to convey any produce of Ruperts Land aforesaid save and except the Furs or Skins of Beavers and other animals of a wild and untame Nature to Port Nelson in Hudson's Bay and to commit send and consign the same to the Port of London to be there deposited and lodged in the Warehouses belonging to or to be from time to time appointed by the said Governor and Company and their Successors and in like manner to import bring and convey into the said Land and Territories called Rupert's[1] Land any Goods Wares Merchandizes or Commodities of any kind nature or description whatsoever as well manufactured as unmanufactured[2] for the use convenience and consumption of the Persons being or residing within the limits of the land hereby granted and expressed[3] or otherwise assured or expressed and intended so to be and to sell barter and exchange or otherwise dispose of the same at his and their will and pleasure Nevertheless it is further agreed that the said produce goods wares Merchandizes and commodities shall be conveyed to and from Port Nelson in Ships or Vessels to be from time to time provided by the said Governor and Company and their Successors in pursuance of the Covenant or agreement in that behalf hereinafter contained And also that the said Governor and Company and their Successors shall and may claim and shall be paid and allowed by the owner or Proprietor Owners or Proprietors of the said produce goods wares merchandizes and commodities all charges as and for and in the nature of quayage wharfage warehouse room and Commission for Sale which shall be or constitute the average or ordinary price or prices in similar cases together with such charge for freightage as shall at the time or respective times be paid or payable for vessels navigating between the Ports of London and Quebec or at or for such rates of freight as vessels can or may be chartered between London and Hudson's Bay and the said Governor and Company shall and may also charge and shall be paid and allowed for the licence hereby given and granted to and for the purposes hereinafter mentioned as and in the nature of a custom or duty any sum not exceeding five pounds for and upon every one hundred pounds in value or amount of the produce

[1] Elsewhere in the grant the apostrophe is omitted.

[2] 'as unmanufactured' omitted in *Colony Register A* and *The Canadian North-West.*

[3] 'enfeoffed' in *Colony Register A* and *The Canadian North-West.*

goods wares merchandizes and commodities which shall or may be conveyed to or from Port Nelson aforesaid and so in proportion for a less quantity in value or amount than one hundred pounds unless the same kind of produce goods wares Merchandizes and commodities shall be subject to a higher rate of duty on importation at Quebec and then in cases of importation the said Governor and Company and their successors shall and may charge and shall be paid and allowed at and after the same rate as shall be paid or payable at Quebec such value or amount to be from time to time fixed and ascertained in all cases of imports by and upon the actual and bonâ fide invoice prices and in all cases of exports by the net proceeds of sales at London And the said Governor and Company do hereby for themselves in their Corporate and not individual Capacity and for their Successors Covenant promise and agree to and with the said Earl of Selkirk his Heirs and assigns in manner following that is to say That notwithstanding any act deed matter or thing whatsoever made done committed permitted or suffered to the contrary by them the said Governor and Company or by any person or persons claiming or to claim by from through under or in trust for them they the said Governor and Company now have in themselves good right full power and lawful and absolute authority by these presents to convey and assure the Land Hereditaments and Premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same unto and to the use of the said Earl of Selkirk his Heirs and assigns according to the true intent and meaning of these presents and also that notwithstanding any such act deed matter or thing as aforesaid it shall and may be lawful to and for the said Earl of Selkirk his Heirs and assigns immediately after livery of Seizin made and executed in pursuance of these presents and from time to time and at all times thereafter peaceably and quietly to have hold use occupy possess and enjoy the Land Hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same and the rents issues and profits thereof to have receive and take for his and their own use and benefit without any let suit trouble eviction molestation ejection expulsion interruption hindrance or denial of from or by the said Governor and Company or their Successors or any other person or persons lawfully or equitably claiming or to claim any Estate right title trust or interest at Law or in Equity of in to out of or upon the said

Land Hereditaments and premises or any part or parts of the same by from through under or in trust for them And that free and clear and freely and clearly and absolutely acquitted exonerated released and discharged or otherwise by the said Governor and Company and their Successors at their own costs and charges well and sufficiently protected defended saved harmless and kept indemnified of from and against all former and other Gifts Grants Bargains Sales Leases Mortgages Jointures uses trusts will intails Annuities legacies rent charge rent seck rent service and all arrears of rent and also of from and against all and all manner of Fines issues seizures amerciaments statutes recognizances Judgments executions extents suits decrees debts of record debts to the King's Majesty or any one of his predecessors sequestrations debts titles troubles liens charges and incumbrances at any time or times heretofore and to be at any time or times and from time to time hereafter made done or committed occasioned permitted or suffered by the said Governor and Company or their Successors or any other person or persons rightfully claiming or to claim by from thro' under or in trust for them or by their acts means default consent privity or procurement And moreover that they the said Governor and Company and their Successors and all persons whomsoever lawfully or equitably claiming or to claim by from through under or in trust for them any estate right title trust charge or interest of in to or out of the land hereditaments and premises hereby enfeoffed or otherwise assured or expressed and intended so to be or any part or parcel of the same shall and will from time to time and at all times hereafter upon every reasonable request and at the Costs and Charges in all things of the said Earl of Selkirk his Heirs and assigns make do acknowledge suffer execute and perfect or cause and procure to be made done acknowledged suffered executed or perfected all such further and other lawful and reasonable acts Deeds devices conveyances and assurances in the Law whatsoever either by common Recovery or Recoveries deed or deeds enrolled or not enrolled release confirmation or assurance whatsoever for the further better more perfectly and absolutely and satisfactorily conveying or assuring the said Land hereditaments and premises and every part and parcel thereof unto and to the use of the said Earl of Selkirk his Heirs and assigns subject to the power of appointment on the part of the said Company and to the Conditions and provisoes hereinbefore contained according to the true intent and meaning of these presents as by the said Earl of Selkirk his heirs or assigns

or his or their Counsel in the Law shall be reasonably devised or advised and required so as such further assurances or any of them shall not contain or imply any other or more general Covenants or warranty on the part of the said Governor and Company than as for or against them and their Successors in their Corporate and not individual Capacity and on the part of any other person or persons who shall be required to make and execute the same than for the acts deeds and defaults of himself or themselves respectively and his her and their heirs Executors and Administrators and so as the person or persons who shall be required to make or execute such further assurances be not compelled or compellable for the making or doing thereof to go or travel above ten miles from his her or their dwellings or places of abode And further that the said Governor and Company and their Successors shall and will from time to time and all times hereafter find and provide the said Earl of Selkirk his Heirs and assigns and all and every other person or persons whomsoever deriving title by from through or under him them or any of them either as Lessee or Lessees or otherwise and who shall be or become a settler or settlers upon or at Ruperts Land aforesaid with good suitable and convenient Ships or Vessels in order and to the intent that he she or they may in pursuance and under or by virtue of the licence hereinbefore given and granted convey such produce goods wares merchandizes and commodities as aforesaid to and from Port Nelson aforesaid And also shall and will find and provide proper and suitable warehouses wharfs quays and other places for housing and landing the same before lading or after unlading thereof on being paid and allowed such price or rate of freightage and duty and such quayage wharfage and warehouse room as aforesaid and in case the said Governor and Company and their Successors shall neglect or fail to provide such Ships or vessels warehouse wharfs quays and other places as aforesaid contrary to the true intent spirit and meaning of the Covenant or agreement last aforesaid then and in such case it shall and may be lawful to and for such Settler or Settlers to convey such produce goods wares merchandizes and commodities to and from Port Nelson aforesaid in Ships or Vessels belonging to them the said Settler or Settlers or any other person or persons whomsoever ([1] subject nevertheless to the payment of such customs or duties as aforesaid and after and not before such Settler or Settlers shall have bound himself herself or themselves and his her and their heirs Executors and

[1] Other bracket missing.

administrators in a sufficient penalty not to break bulk between the Port of Lading and the Port of Discharge and he she or they shall not thereby be or be deemed or taken to have infringed or violated any right power privilege immunity or franchise whatsoever belonging or appertaining to the said Governor and Company or their Successors within the intent and meaning of any Condition herein contained And also that they the said Governor and Company and their Successors shall and will stand possessed of and interested in all and singular the monies to be collected and raised for or in the nature of customs or duties under or by virtue of these presents upon the trusts and to and for the intents and purposes hereinafter mentioned (that is to say) In Trust that they the said Governor and Company and their Successors do and shall from time to time and at all times hereafter pay and apply the same for and towards improving the communication by Land or Water from Port Nelson to Lake Winnipeg regulating and sustaining the Police and Civil Government of the Settlements or Plantations within their own Territories making and erecting Public Courts Offices places and Buildings and for and towards all or any such other purposes as they the said Governor and Company and their Successors shall or may think meet and proper and conducive to the well being of their said Settlements and Establishments in or at Ruperts Land aforesaid or of the persons being settling and residing in or within the same and they the said Governor and Company and their Successors shall and will from time to time account for such monies accordingly it being the true intent and meaning of the said parties hereto that the said Company shall have the absolute controul and expenditure of all and singular the monies arising as aforesaid but that the same shall be considered as a fund to be employed for purposes of general benefit and improvement to their Establishments and possessions in America and not to be divided as an account of profit to the general proprietors of their Stock In witness whereof the said parties to these presents have hereunto set their hands and Seals the day and year first above written.

Alex^{r}. (L. S) Lean—Sec^{y}. (L. S.) Selkirk.

Sealed under the Common Seal of the within mentioned Governor and Company and signed and Delivered by Alexander Lean their Secretary pursuant to their order and appointment and signed sealed and Delivered by the within mentioned Thomas Earl of Selkirk (being first duly Stamped) in the presence of, Alex: Mundell Parliament Street Westminster Edw^{d}. Roberts—Hudson's Bay House.

District of Columbia Washington County, to wit, I Henry Whetcroft a Notary Public for the County aforesaid, duly commissioned and sworn, and dwelling in the City of Washington, Do hereby Certify and make known unto all Persons to whom these Presents shall come or may concern, that the foregoing is a true copy taken from the Original, the same having been carefully compared with the said Original, and found to agree Word for Word.

In Testimony whereof I have hereunto set my hand and affixed my Notarial seal of Office the 2nd day of March 1822.

HENY. WHETCROFT
Notr. Pubc.

APPENDIX C

FROM THE EARL BATHURST acknowledging dispatches from No. 67 to 72 inclusive. Indictment for rescue to be preferred against Lord Selkirk and Captn. Matthey. Commissioners to proceed to Fort William in the Spring. Their powers as Magistrates extend to the Hudson's Bay territory.[1]

Downing Street,
11 Febr. 1817.

SIR

I have had the honor of receiving your dispatches from Nº. 67 to Nº. 72 inclusive which have been duly laid before The Prince Regent.

I learnt with very great regret that the Commissioners of special enquiry, to the result of whose labours I looked for some more precise information as to the actual state of the Indian Country and the means by which tranquillity might be restored, had been under the necessity of abandoning the object of their mission and of returning to York. Under the untoward circumstances which prevented them from reaching the point of their ultimate destination I have entirely to approve the measure which they adopted for making known the powers with which they were themselves invested and for superceding those of the Magistrates of the Indian Country and I trust that when the road to Fort William is practicable, they will, if circumstances should in your opinion continue to

[1] Colonial Office Records, 1817, Lower Canada, G. 19, pp. 62-70.

require their presence, proceed to the execution of the important charge which has been confided to them.

I am [1] fully sensible of the danger which may in the interim result to the commercial and political interests of Great Britain from the opening which the conduct of Lord Selkirk appears calculated to give to the admission of Foreign influence over the Indian Nations to the exclusion of that heretofore exercised by the Subjects of Great Britain, and I [2] feel the necessity of putting an end to a system of lawless violence which has already too long prevailed in the Indian Territory and the more distant parts of Upper Canada. By resisting the execution of the Warrant issued against him Lord Selkirk has rendered himself doubly amenable to the Laws; and it is necessary, both for the sake of general principle for the remedy of existing as well as for the prevention of further evils, that the determination of the Government to enforce the law with respect to all and more particularly with respect to Lord Selkirk should be effectually and speedily evinced. You will therefore without delay on the receipt of this instruction take care that an indictment be preferred against his Lordship for the rescue of himself detailed in the affidavit of Robert MacRobb, and upon a true Bill being found against him you will take the necessary and usual measures in such cases for arresting his Lordship and bringing him before the Court from which the process issued. Surrounded as Lord Selkirk appears to be with a Military Force which has once already been employed to defeat the execution of legal process, it is almost [3] impossible to hope [4] that he will quietly submit to the execution of any warrant against himself, so long as an opening is left for effectual resistance. It is therefore necessary that the Officer to whom its execution is entrusted should be accompanied by such a Civil, (or if the necessity of the case should require it by such a Military,) force as may prevent the possibility of resistance. The Officer however must be cautioned that the Force entrusted to him is not to be employed in the first instance, but is only to be resorted to in aid of the Civil Authority in case of any opposition being made to the execution of his warrant in the ordinary manner.

As it appears not improbable that Lord Selkirk may

[1] 'His Majesty's Government are' is incompletely erased from the original draft.
[2] Originally 'they'.
[3] Inserted with caret mark in the original document.
[4] 'Suppose', the original word, is incompletely erased from the original draft.

previous to the issue of Process against him have removed from Upper Canada into the Territories claimed by the Hudson's Bay Company it will be necessary, in order in such a case to give validity to the Warrant against him, that it should be issued or backed by some Magistrate appointed under the Act of the 43d of the King to act both for Upper Canada and for the Indian Territory. By this means the Warrant will have under the Provisions of the Act of Parliament a legal operation not only in Upper Canada but in any Indian Territories or in any other parts of America (without excepting the territory of the Hudson's Bay Company) which are not within the limits of either of the Provinces of Canada or of any civil Government of the United States and you will see the importance of not permitting its execution to be defeated by any irregularity in the warrant itself, or by any change of place on the part of Lord Selkirk.

As Captain Mathey appears to have been equally concerned in the rescue of Lord Selkirk you will take with respect to him the same measures which you are hereby instructed to adopt with respect to Lord Selkirk.

If however either from a resistance on the part of Lord Selkirk to the execution of the Warrant or from any other cause the appearance of his Lordship before the Court should not be secured, the Court will proceed to adopt with respect to his Lordship such measures as would be taken by them against any other person similarly circumstanced who after the issue of such process should decline or omit to appear. You will not fail to communicate to me the result of these measures in order that I may in so extraordinary a Contingency submit to the consideration of Parliament whether the urgency of the case does not require the adoption of some special measure of severity with respect to his Lordship.

You will not consider this instruction as in any degree superceding that which I had the honor of conveying to you on the 6th instant. You will equally call upon the Military Force employed by Lord Selkirk to abandon the Service in which they are at present engaged and you will acquaint them further that if they permit themselves to be employed in resisting the execution of legal process they will be exposed to and prosecuted with the utmost severity of the Law and you will equally enforce the mutual restitution of Places captured and the freedom of Trade throughout the Indian Territory.

I have only further to add in reply to the enquiry contained in your dispatch N°. 70 that if the Commissioners are ap-

pointed Magistrates of the Indian Country in the terms of the 43d Geo. 3d to which I have already referred and to the terms of which it is important to adhere in their Commission, their Powers extend over Upper Canada and all those Indian Countries without distinction even within the limits of the Territory claimed or possessed by the Hudson's Bay Company.

I have the Honor to be
Sir,
Your most obedient Humble Servant

BATHURST.

Lt.-General
Sir J. C. Sherbrooke G.C.B.

APPENDIX D

GRANT MADE TO THE HUDSON'S BAY COMPANY, DECEMBER 5, 1821.[1]

GEORGE R.
(L. S.)

GEORGE the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To all to whom these Presents shall come, greeting:

WHEREAS an Act passed in the second year of our reign, intituled, 'An Act for regulating the Fur Trade, and for establishing a Criminal and Civil Jurisdiction within certain parts of North America;'[2] wherein it is amongst other things enacted, that from and after the passing of the said Act, it

[1] *Report from the Select Committee on the Hudson's Bay Company*, 1857, p. 425.

[2] 1 and 2 Geo. iv, 1821, *Statutes at Large*, lxi, pp. 225–230. See the evidence of Ellice in the *Report from Select Committee*, 1857 (p. 338): 'That only gave to the Crown and the Canadian authorities power to appoint justices to bring parties within the jurisdiction of the courts in England or Canada, which power they never have exercised by the appointment of any justice. I put in those clauses myself, in order that the Crown or Canada might have the power of appointing justices under it; but it has never appointed any, therefore the clause is inoperative.'

Cp. also p. 328: 'The country has been governed, so far as the Hudson's Bay Company's territories are concerned, under those rights ("given by the charter"); there has never been any other authority for the government of the country or for the administration of justice; it being always understood that the Crown took the power, if it should see right, in the Act

should be lawful for us, our heirs or successors, to make Grants or give our Royal License, under the hand and seal of one of our Principal Secretaries of State, to any body corporate or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any such Grants or Licenses respectively, not being part of the lands or territories heretofore granted to the Governor and Company of Adventurers of England trading to Hudson's Bay, and not being part of any of our provinces in North America, or of any lands or territories belonging to the United States of America, and that all such Grants and Licenses should be good, valid and effectual, for the purpose of securing to all such bodies corporate, or companies, or persons, the sole and exclusive privilege of trading with the Indians, in all such parts of North America (except as thereinafter excepted) as should be specified in such Grants or Licenses, any thing contained in any Act or Acts of Parliament, or any law to the contrary notwithstanding; and it was in the said Act further enacted, that no such Grant or License made or given by us, our heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid should be made or given for any longer period than 21 years, and that no rent should be required or demanded for or in respect of any such Grant or License, or any privileges given thereby, under the provisions of the said Act, for the first period of 21 years; and it was further enacted, that from and after the passing of the said Act, the Governor and Company of Adventurers of England trading to Hudson's Bay, and every body corporate and company and person, to whom every such Grant or License should be made or given as aforesaid, should respectively keep accurate registers of all persons in their employ, in any parts of North America, and

enabling it to grant the licence, to constitute an independent magisterial power, which it has never exercised.' Also p. 338: 'In order that I may be perfectly correct, I wish to state that the Crown has appointed justices, at the recommendation of the Hudson's Bay Company, in the parts of the country under the licence which are without the territories of the Hudson's Bay Company, but it never has granted a commission within the territories of the Hudson's Bay Company.'

See also p. 348: 'May I ask upon what authority the Company hold courts of record at the Red River Settlement?—Under the powers granted by their charter.

... He (Sir John Pelly) alludes .... to the courts of record under the Great Seal?—Yes.

... Is the Great Seal the seal of the Company?—The Seal of the Company.'

should once in each year return to our Principal Secretaries of State accurate duplicates of such registers, and should also enter into such security as should be required by us for the due execution of all criminal processes, and of any civil process in any suit where the matter in dispute shall exceed 200*l.*, and as well within the territories included in any such Grant as within those granted by Charter to the Governor and Company of Adventurers of England trading to Hudson's Bay, and for the producing and delivering into safe custody, for the purpose of trial, all persons in their employ, or acting under their authority, who should be charged with any criminal offence, and also for the due and faithful observance of all such rules, regulations and stipulations as should be contained in any such Grant or License, either for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral and religious improvement; or for any other object which we might deem necessary for the remedy or prevention of any other evils which have been hitherto found to exist: And whereas it was also in the said Act recited, that by a Convention entered into between his late Majesty and the United States of America, it was stipulated and agreed, that every country on the North-west coast of America to the westward of the Stony Mountains should be free and open to the citizens and subjects of the two powers for the term of ten years from the date of the signature of that Convention; and it was therefore enacted, that nothing in the said Act contained should be deemed or construed to authorise any body corporate, company or person, to whom his Majesty might, under the provisions of the said Act, make or grant, or give a license of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America who might be engaged in the said trade: Provided always, that no British subject should trade with the Indians within such limits without such Grant or License as was by the said Act required.

And whereas the said Governor and Company of Adventurers of England trading into Hudson's Bay, and certain Associations of persons trading under the name of the 'North-west Company of Montreal,' have respectively extended the fur trade over many parts of North America which had not been before explored: And whereas the competition in the said trade has been found for some years past to be productive of

great inconvenience and loss, not only to the said Company and Associations, but to the said trade in general, and also of great injury to the native Indians, and of other persons our subjects: And whereas the said Governor and Company of Adventurers of England trading into Hudson's Bay, and William M'Gillivray, of Montreal, in the Province of Lower Canada, esquire, Simon M'Gillivray, of Suffolk-lane, in the City of London, merchant, and Edward Ellice, of Spring-gardens, in the county of Middlesex, esquire, have represented to us, that they have entered into an agreement, on the 26th day of March last, for putting an end to the said competition, and carrying on the said trade for 21 years, commencing with the outfit of 1821, and ending with the returns of 1841, to be carried on in the name of the said Governor and Company exclusively:

And whereas the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, have humbly besought us to make a Grant, and give our Royal License to them jointly, of and for the exclusive privilege of trading with the Indians in North America, under the restrictions and upon the terms and conditions specified in the said recited Act: NOW KNOW YE, That we, being desirous of encouraging the said trade and remedying the evils which have arisen from the competition which has heretofore existed therein, do grant and give our Royal License, under the hand and seal of one of our Principal Secretaries of State, to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice,[1] for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and the westward of the lands and territories belonging to the United States of America as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power; and we do by these presents give, grant and secure to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice jointly, the sole and exclusive privilege, for the full period of 21 years from the date of this our Grant, of trading with the Indians in all such parts of North America as aforesaid (except as thereinafter excepted); and we do hereby declare that no rent shall be required or demanded

[1] 'These gentlemen subsequently surrendered their interest to the Hudson's Bay Company, to whom her Majesty was pleased to make the Grant of 1838.' Pelly to Lord Stanley, June 8, 1842, *Report from the Select Committee*, 1857, p. 408.

for or in respect of this our Grant and License, or any privileges given thereby, for the said period of 21 years, but that the said Governor and Company, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice shall, during the period of this our Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and shall once in each year return to our Secretary of State accurate duplicates of such registers, and shall also enter into and give security to us, our heirs and successors, in the penal sum of 5,000*l.* for ensuring, as far as in them may lie, the due execution of all criminal processes, and of any civil process in any suit where the matter in dispute shall exceed 200*l.*, by the officers and persons legally empowered to execute such processes within all the territories included in this our Grant, and for the producing and delivering into safe custody, for purposes of trial, any persons in their employ, or acting under their authority within the said territories, who may be charged with any criminal offence.

And we do also hereby require, that the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice shall, as soon as the same can be conveniently done, make and submit for our consideration and approval such rules and regulations for the management and carrying on the said fur trade with the Indians, and the conduct of the persons employed by them therein, as may appear to us to be effectual for gradually diminishing or ultimately preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement.

And we do hereby declare, that nothing in this our Grant contained shall be deemed or construed to authorise the said Governor and Company, or William M'Gillivray, Simon M'Gillivray and Edward Ellice, or any person in their employ, to claim or exercise any trade with the Indians on the north-west coast of America to the westward of the Stony Mountains, to the prejudice or exclusion of any citizens of the United States of America who may be engaged in the said trade: Provided always, that no British subjects other than and except the said Governor and Company, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice, and the persons authorised to carry on exclusive trade by them on Grant, shall trade with the Indians within such limits during the period of this our Grant.

Given at our Court at Carlton-house the 5th day of December 1821, in the second year of our reign.

By His Majesty's command.

(L. S.) BATHURST.

THE TRANSFER OF ASSINIBOIA BACK TO THE HUDSON'S BAY COMPANY, 1834.

(i) *Copy of Minutes of Committee held June 6, 1834.*[1]

'Lord Selkirk having intimated to the Committee that he was willing to carry into effect the object contemplated by the Company, of converting his five shares of profit[2] into stock, and that he was ready to accede to the desire expressed by the Committee to have re-conveyed to the Company that portion of the grant made to the late Earl of Selkirk in 1811 which by the treaty with the United States in 1818, remains within the British Boundary. It was resolved to offer him £15,000 Hudson's Bay Stock, for the same, the Company to become possessed of the shares of profit for the outfit of 1831 to 1842, inclusive, and of the land as on the 1st of June instant, and Lord Selkirk when the conveyance shall be completed, to be entitled to the Hudson's Bay Stock, as on the 1st of June 1834, with the dividends which may accrue, and be paid thereon after that date.' (True copy. W. Smith, Secretary.)

(ii) *Minutes of Evidence taken before the Select Committee on the Hudson's Bay Company: The Right Hon. E. Ellice, June 23, 1857.*[3]

'5985. In the same statement which has been laid before this Committee, I observe an item of 84,111*l.* paid to Lord Selkirk for the Red River Settlement?—That is the money actually paid to Lord Selkirk, with interest added to it. The Honourable Gentleman is aware that when merchants make a purchase they open an account, and they debit to that account the money which the estate cost them, and they add the interest, and deduct any revenue or receipt which they have had from it since; and the 84,000*l.* is the balance of such an account.

5986. In 1836, as you have already stated to the Committee?—Yes.

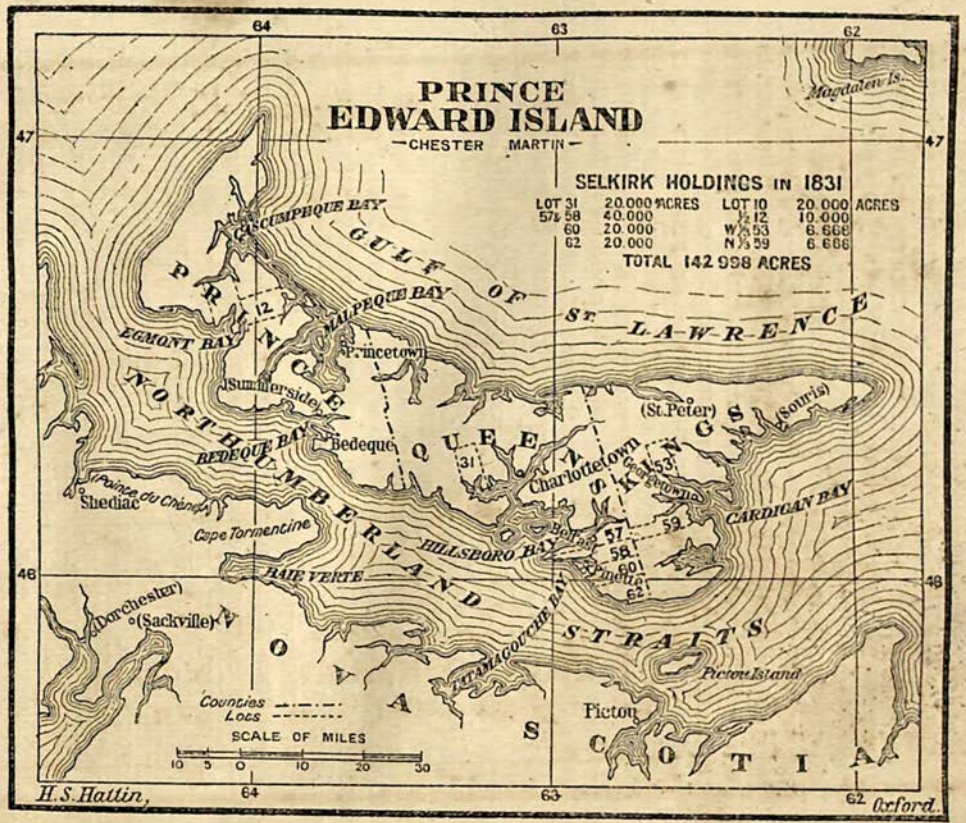
5987. *Chairman.*] Deducting your profits?—Yes, I am afraid there are no profits; it is the accumulation of interest.

5988. *Mr. Christy.*] The 84,000*l.* is a monied sum due to Lord Selkirk?—It is that money, and interest outstanding upon their books.'

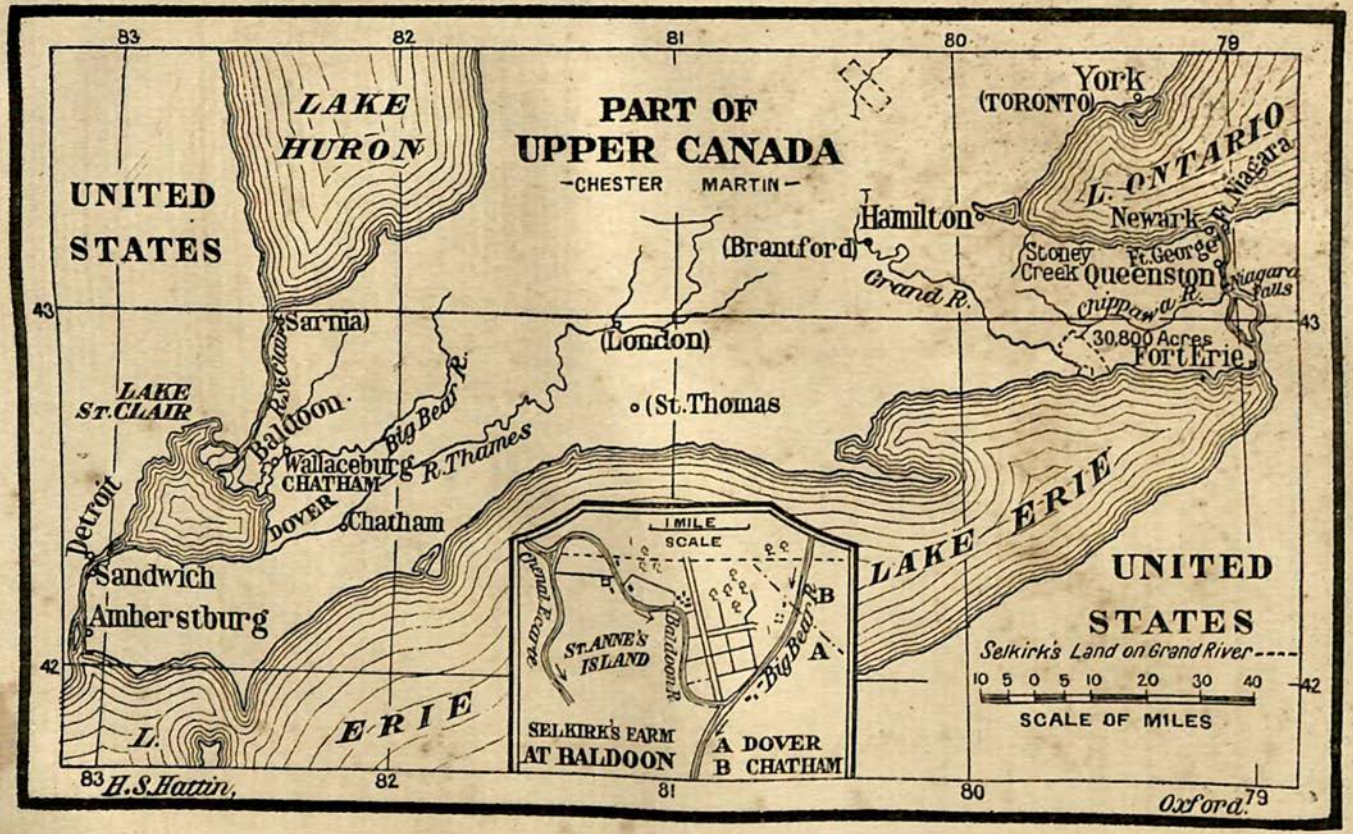
[1] *Correspondence*, vol. viii, p. 1226. Lord Selkirk's acceptance is dated the same day. Ibid.

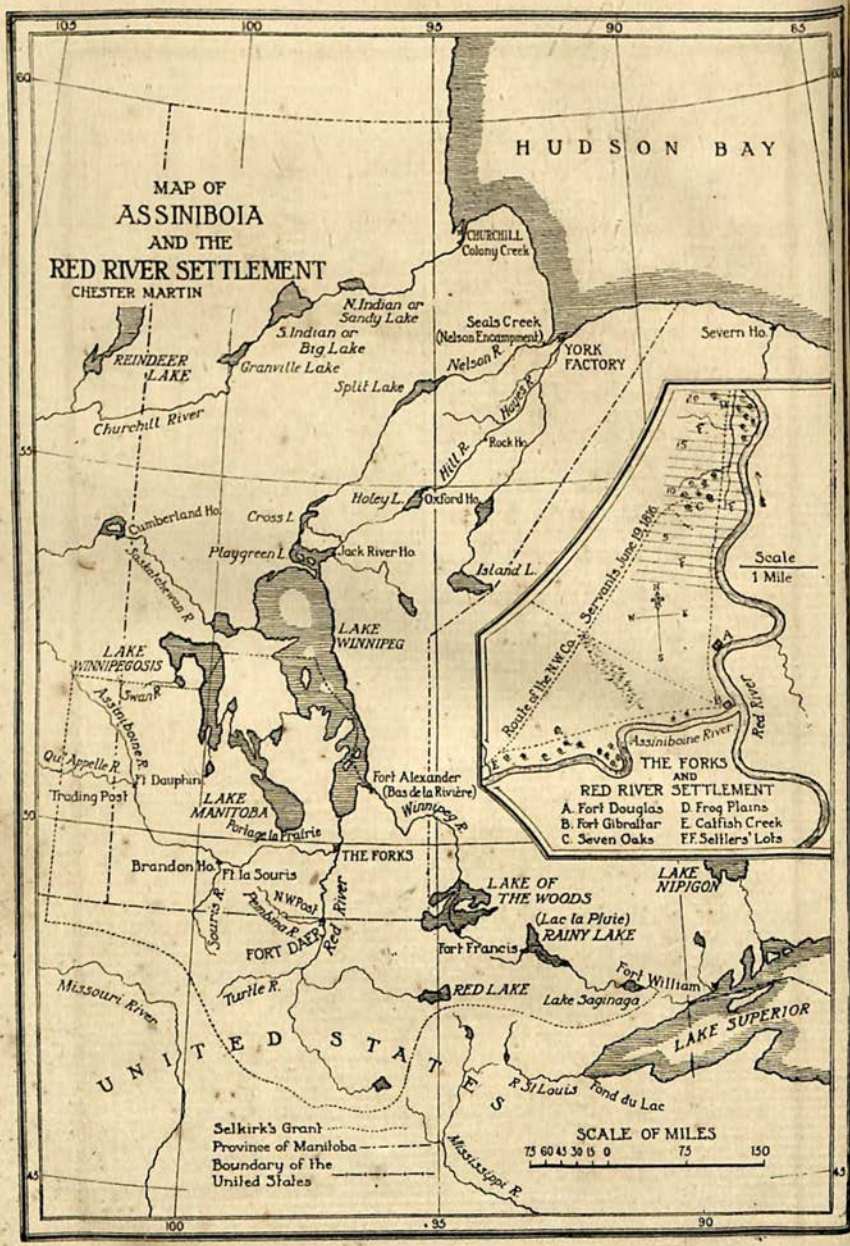
[2] The 'five shares' dated from 1820 before the coalition. Ibid.

[3] *Report from the Select Committee on the Hudson's Bay Company*, 1857, p. 345.


PRINCE
EDWARD ISLAND
—CHESTER MARTIN—
SELKIRK HOLDINGS IN 1831
LOT 31 20.000 ACRES
57½ 58 40.000
60 20.000
62 20.000
LOT 10 20.000 ACRES
½ 12 10.000
W½ 53 6.666
N½ 59 6.666
TOTAL 142 998 ACRES
Magdalen Is.
GULF OF ST. LAWRENCE
PRINCE
EDWARD
ISLAND
NORTHUMBERLAND
STRAITS
NOVA SCOTIA
CASCUMPEQUE BAY
MALPEQUE BAY
EGMONT BAY
BEDEQUE BAY
Princetown
Summerside
Bedeque
(St.Peter)
(Souris)
Charlottetown
Georgetown
CARDIGAN BAY
Pointe du Chêne
Shediac
Cape Tormentine
HILLSBORO BAY
BAIE VERTE
Dorchester
(Sackville)
TABAGOUCHE BAY
Pictou Island
Pictou
Counties
Locs
SCALE OF MILES
10 5 0 10 20 30
64
63
62
47
46
H.S.Hattin,
Oxford.

1926.7


PART OF
UPPER CANADA
—CHESTER MARTIN—
LAKE HURON
UNITED STATES
LAKE ST. CLAIR
LAKE ERIE
L. ONTARIO
York
(TORONTO)
Hamilton
Newark
Niagara R.
Stoney Creek
Ft. George
Queenston
Niagara Falls
Grand R.
Chippawa R.
30,800 Acres
Fort Erie
(Brantford)
(London)
(St. Thomas
Sarnia)
St. Clair R.
Baldoon
Wallaceburg
CHATHAM
DOVER
Big Bear R.
R. Thames
Chatham
Detroit R.
Sandwich
Amherstburg
1 MILE SCALE
St. Clair R.
ST. ANNE'S ISLAND
Baldoon R.
Big Bear R.
A
B
SELKIRK'S FARM AT BALDOON
A DOVER
B CHATHAM
UNITED STATES
Selkirk's Land on Grand River
10 5 0 5 10 20 30 40
SCALE OF MILES
83
82
81
80
79
43
42
H. S. Hattin,
Oxford.


MAP OF
ASSINIBOIA
AND THE
RED RIVER SETTLEMENT
CHESTER MARTIN
HUDSON BAY
CHURCHILL
Colony Creek
N. Indian or Sandy Lake
S. Indian or Big Lake
Granville Lake
Seals Creek (Nelson Encampment)
Severn Ho.
YORK FACTORY
Nelson R.
Hayes R.
REINDEER LAKE
Split Lake
Churchill River
Hill R.
Rock Ho.
Holey L.
Oxford Ho.
Cross L.
Cumberland Ho.
Playgreen L.
Jack River Ho.
Island L.
Saskatchewan R.
LAKE WINNIPEG
LAKE WINNIPEGOSIS
Swan R.
Assiniboine R.
Qu'Appelle R.
Ft. Dauphin
Trading Post
LAKE MANITOBA
Portage la Prairie
Fort Alexander (Bas de la Rivière)
Winnipeg R.
THE FORKS
Brandon Ho.
Ft. la Souris
Souris R.
N.W. Post
Pembina R.
Red River
FORT DAER
Missouri River
Turtle R.
RED LAKE
LAKE OF THE WOODS
(Lac la Pluie)
RAINY LAKE
Fort Francis
Fort William
Lake Saginaga
LAKE NIPIGON
LAKE SUPERIOR
R. St. Louis
Fond du Lac
Mississippi R.
UNITED STATES
Selkirk's Grant
Province of Manitoba
Boundary of the United States
SCALE OF MILES
75 60 45 30 15 0 75 150
Servants June 19 1856
Route of the N.W. Co.
Scale 1 Mile
Red River
Assiniboine River
THE FORKS AND RED RIVER SETTLEMENT
A. Fort Douglas
B. Fort Gibraltar
C. Seven Oaks
D. Frog Plains
E. Catfish Creek
FF. Settlers' Lots

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